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**ACTS**  
**OF THE**  
**LEGISLATURE OF ALABAMA**  
**OF**  
**LOCAL, PRIVATE AND SPECIAL CHARACTER**  
**PASSED AT THE**  
**SESSION OF 1915**  
**HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY,**  
**Commencing Tuesday, January 12, 1915**

---

**CHARLES HENDERSON, GOVERNOR.**  
**THOS. E. KILBY, LIEUTENANT-GOVERNOR.**  
**T. L. BULGER, PRES. PRO TEM. OF THE SENATE.**  
**A. H. CARMICHAEL, SPEAKER OF THE HOUSE.**



I, JOHN PURIFOY, Secretary of State in and for the State of Alabama,  
do hereby certify that this volume is published by the authority of the State  
of Alabama, and in accordance with law.

**JOHN PURIFOY,**  
Secretary of State.

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# LOCAL ACTS

PASSED AT REGULAR SESSION, 1915.

No. 8.)

(H. 239—Weakley)

## AN ACT

To regulate the payment of costs in the case of convicts heretofore and hereafter sentenced to hard labor in Jefferson county, Alabama, whenever and so long as said convicts or any of them are worked on the public roads of said county, and to require the board of revenue of said county to pay the costs of such convicts who were sentenced to hard labor for the county and who actually worked on the county roads thereof from and after April 1st, 1913, to the time of the approval of this act. Whereas, the board of revenue of Jefferson county, Alabama, on or about the 1st day of April, 1913, adopted the policy of working certain of the convicts of said county sentenced to hard labor for the county on the public roads thereof, and, Whereas, in pursuance of that policy many convicts have been worked on said roads under resolution and order of said board and have been required to work out the costs of conviction, as well as the fine and sentence, and, Whereas, the board of revenue of said county has failed and refused to pay to the officers of the courts in which said convicts were sentenced, the costs thereof, but have appropriated the labor of said convicts to the improvement of the public roads as aforesaid,—now, therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That in all cases in Jefferson county, Alabama, where convicts have heretofore or shall hereafter be sentenced to hard labor in said county and shall by the board of revenue or other proper official or body be directed and required to work out said sentence and costs at hard labor upon the public roads of said county such board of revenue shall immediately or at its next session pay over to the clerks of the courts of said county where said convicts were sentenced, by warrant drawn on the treasurer of said county and payable out of the general fund or the road fund, as they may prescribe, a sum of money sufficient for the payment of such of the items of the costs of conviction in his case, or cases, if sentenced in more than one case, as each convict has been or shall be sentenced to an additional term or terms of hard labor of the county to pay.

Sec. 2. That the clerks of the courts of said county upon receiving any sum of money for costs, as aforesaid, shall enter the receipt of the sum so received in such case on the fee books to be kept by such clerks.

Sec. 3. That the clerks of the courts of said county, who shall hereafter receive the costs as hereinabove provided for persons sentenced to hard labor for the county and who thereupon have been required to work out the same on the public roads of the county, shall pay the same to the persons lawfully entitled thereto.

Sec. 4. That the board of revenue of said county be and it is hereby directed to draw its warrants on the treasurer of said county, payable out of the general fund of said county or road fund as they may prescribe, for an amount sufficient to pay the costs of conviction in the case of such convicts as have been sentenced to hard labor for the county and who since April 1st, 1913, have been required to work out such costs upon the public roads of said county, and upon the receipt of the money for such costs the clerks of such courts shall pay the same to the persons entitled thereto.

Approved February 1, 1915.

No. 13.)

(H. 76—Griffin.

#### AN ACT

To amend section four of an act to create and establish the Marengo law and equity court for Marengo county, approved August 26th, 1909. So as to provide for the election of a solicitor for said Marengo law and equity court by the qualified voters of Marengo county at the general election in the year 1916, and to further regulate the term of office of said solicitor and prescribe his duties thereunder.

*Be it enacted by the Legislature of Alabama:*

Section 1. That section four of an act to create the Marengo law and equity court for Marengo county, approved August 26th, 1909, be amended so as to read as follows: Section 4. That at the general election to be held on the first Tuesday after the first Monday in November, 1916, and every fourth year thereafter, there shall be elected by the qualified electors of Marengo county, Alabama, a solicitor of and for the said Marengo law and equity Court, of Marengo county, who shall hold office for a term of four years from the first day of September, 1917, and until his successor shall be elected and qualified. And the said solicitor so elected shall take the oath of office prescribed by law before entering upon the discharge of any of the duties pertaining to his office, and may be impeached or removed from office for the same causes, in the same manner, and by the same tribunals as circuit solicitors are impeached

or removed from office, and he shall be charged with the performance of the same duties in said court, and be subject and liable to the same penalties and liabilities in respect thereto, as by law are imposed upon circuit solicitors in like cases in the circuit courts of this State; and said solicitor shall not be allowed to represent any defendant in a criminal case in any of the courts of Marengo county during his continuance in office, nor shall any law partner of said solicitor defend any criminal case in any of the courts of Marengo county. Vacancies in the office of solicitor of said court shall be filled by appointment of the Governor of Alabama, such appointee to hold said office until the next general election for any State office held at least six months after such appointment and until his successor is elected and qualified. Provided further that all misdemeanors returned by justices of the peace or other inferior courts, or appeals from such courts, to said Marengo law and equity court shall be tried upon the complaint of the solicitor of said court filed in such cases, which complaint shall be in the form substantially as now required by law of circuit solicitors, and which complaint shall be subject to amendment, provided further that the solicitor of said Marengo law and equity court of Marengo county, must not prosecute or file any complaint from any appeal case from a mayor's court or municipal court.

Sec. 2. That all laws and parts of laws, either general, local or special, contrary to or in conflict with any of the provisions of this bill, be and the same are hereby expressly repealed.

Approved February 1, 1915.

No. 16.)

(S. 6—Key.

#### AN ACT

To make Franklin county warrants issued by order of the court of county revenue of Franklin county, Alabama, and numbered 6, 7, 8, 9, 10, 307, 326, 329, 343, 348, 358, 359, 361, 386, 396, 399, 400, 408, 409, 414, 428 to 445 inclusive, 454, 467, 468, 473, 474, 476, 482, 484, 486, 487, 492, 504, 505, 506, 512, 514, 515, 516, 563 and 564, drawn against the general fund of said county, preferred claims against said county, and authorizing and requiring the county treasurer to pay the same.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the county warrants of Franklin county issued by the court of county revenue of said county against the general fund of said county, and bearing the following numbers, to-wit: 6, 7, 8, 9, 10, 307, 326, 329, 343, 348, 358, 359, 361, 386,

396, 399, 400, 408, 409, 414, 428 to 445 inclusive, 454, 467, 468, 473, 474, 476, 482, 484, 486, 487, 492, 504, 505, 506, 512, 514, 515, 516, 563, 564 be and they are preferred claims against the county of Franklin, and the county treasurer of said county is authorized and required to pay the same in the order of their registration as preferred claims above any other claims against said county, except claims for the county jail, claims of grand and petit jurors, compensation for services of members of the court of county revenue, for stationery furnished the county, pauper claims and claims of election officers.

Approved February 8, 1915.

No. 18.)

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AN ACT

(H. 91—Bealle.

To provide for the payment of all solicitors fees earned and collected in the Tuscaloosa county court, into the county treasury of Tuscaloosa county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That from and after the passage of this act, all solicitor's fees earned and collected in the Tuscaloosa county court, shall be paid over to the treasurer of Tuscaloosa county and that the clerk of said court is hereby directed to so pay over the same.

Sec. 2. Be it further enacted, that all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 3, 1915.

No. 19.)

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AN ACT

(H. 92—Bealle.

To fix and provide for the payment out of the county treasury of the salary of the solicitor of Tuscaloosa county court and to fix the term of office of the solicitor of the said court, and to repeal all laws and parts of laws in conflict herewith.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the salary of the solicitor of the Tuscaloosa county court be, and the same is hereby fixed at the sum of twenty-five hundred dollars (\$2,500.00) per annum, which shall be payable out of the county treasury of Tuscaloosa county

in monthly installments of two hundred eight and one-third dollars (\$208.33  $\frac{1}{3}$ ) each.

Sec. 2. Be it further enacted that the term of office of the solicitor of the Tuscaloosa county court who was elected at the general election held in the year 1914 be, and the same is hereby fixed so as to commence on the first day of March, 1915, and end on the first day of March, 1919.

Sec. 3. The judge of probate of Tuscaloosa county is hereby directed to issue a warrant on the treasury of Tuscaloosa county for the sum of two hundred eight and one-third dollars (\$208.33  $\frac{1}{3}$ ) on the first day of April, 1915, payable to the solicitor of the Tuscaloosa county court for his salary, and issue a like warrant for the same amount on the first day of each month thereafter for the same purpose.

Sec. 4. The successor to said solicitor shall be elected at the general election to be held in said county in the year 1918 and at the general election each four years thereafter, and such solicitors shall hold office for four years and until their successors are elected and qualified.

Sec. 5. All laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed

Passed by the Senate and House February 3, 1915.

No. 21.)

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AN ACT

(H. 231—Walden.

To repeal an act entitled an act to confirm the incorporation of the town of Flint, in the county of Morgan, and to enlarge and define the corporate powers of said town approved February 21, 1893.

*Be it enacted by the Legislature of Alabama:*

That an act entitled an act to confirm the incorporation of the town of Flint, in the county of Morgan, and to enlarge and define the corporate powers of said town, approved February 21, 1893, be and the same is hereby repealed and annulled.

Approved February 3, 1915.

No. 24.)

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AN ACT

(S. 82—Key.

To repeal an act for the better construction, repairing, working, and maintaining the public roads and bridges in Franklin county, Alabama, approved July 31st, 1907, and to repeal an act to amend an act to provide for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama, approved August

20th, 1909, and to repeal all local laws and parts of local laws heretofore enacted by the Legislature of Alabama for Franklin county, for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act for the better construction, repairing, working, and maintaining the public roads and bridges in Franklin county, Alabama, approved July 31st, 1907, and an act amending said act for the better construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama, approved August 20th, 1909, be and the same are hereby repealed.

Sec. 2. Be it further enacted that all local laws and parts of local laws heretofore enacted by the Legislature of Alabama for Franklin county, providing for the construction, repairing, working and maintaining the public roads and bridges in Franklin county, Alabama, be and the same are hereby repealed.

Approved February 5, 1915.

No. 25.)

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AN ACT

(S. 98—Hollis.

For the relief of Jas. M. Agee, treasurer of Clarke county, Alabama.

*Whereas*, Jas. M. Agee, as treasurer of Clarke county, has paid at various times within the last few years fees for examinations in lunacy cases, and

*Whereas*, said claims were duly presented to and allowed by the court of county commissioners of said county, and warrants were issued for the sum of one hundred twenty-eight and 50/100 dollars which said warrants were duly presented and in good faith paid by the treasurer of said county, and

*Whereas*, the authority of said treasurer to pay said warrants is questioned; now therefore

*Be it enacted by the Legislature of Alabama:*

Section 1. That Jas. M. Agee, treasurer of Clarke county, be and he is hereby released from all liability arising or existing by reason of the payment by him from the funds of said county, any and all warrants paid to physicians for examinations in lunacy cases.

Approved February 9, 1915.



No. 26.)

(H. 103—Vaughan.

## AN ACT

To create and establish the court of common pleas of Montgomery county, to define its jurisdiction and powers, to make it the successor of the "Inferior Court of Montgomery," to provide for the transfer of the cases from the docket of the inferior court of Montgomery to the court of common pleas of Montgomery county; to provide for the officers of said court, their powers, duties and compensation; to prescribe rules of procedure for said court; and to provide for the execution of the process of said court and the operation thereof.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby created and established in and for the county of Montgomery, State of Alabama, a court, which shall be known as and called "court of common pleas of Montgomery county," which said court is hereby invested with and shall have and exercise in said county final jurisdiction of any misdemeanor committed in said county, concurrent in such misdemeanor cases with the jurisdiction now conferred by law upon the city court of Montgomery, except as herein otherwise provided, and said court shall have preliminary jurisdiction in all felony cases committed in the county of Montgomery that is now conferred by law upon the inferior court of Montgomery, or upon justices of the peace in said county; that said final criminal jurisdiction herein provided shall be exclusive as against any justice of the peace or notary public ex-officio justice of the peace as to all criminal offenses committed in precincts 1, 2, 3, 4, 5, 6, and 7, in the county of Montgomery, except that affidavits may be taken and warrants issued by such justices of the peace and notaries public ex-officio justice of the peace, returnable to said court of common pleas of Montgomery county. Said court, except as in this act otherwise provided, in exercising the jurisdiction and powers by this act conferred shall in all cases where the defendant is charged with a felony conform to and be governed by the rules of practice and procedure, and shall have the same authority now conferred by law, upon the "inferior court of Montgomery," or upon justices of the peace in this State, and in all cases where the defendant is charged with a misdemeanor, shall have the same power and authority as, and shall conform to and be governed by the rules of practice and procedure governing circuit courts and courts of like jurisdiction in this State, except as herein otherwise provided; provided that the judge of this court shall have the authority to adopt such rules of practice and procedure not inconsistent with this act as in his opinion is necessary for the

proper dispatch of the business of the court. In all civil cases and in all other cases not otherwise provided for in this act, said court shall have and exercise in precincts 1, 2, 3, 4, 5, 6, and 7, in Montgomery county all the authority, jurisdiction and powers which are now conferred by law upon justices of the peace, or which have been heretofore conferred upon the inferior court of Montgomery. Said court of common pleas of Montgomery county shall as herein provided be the successor of the inferior court of Montgomery, which said inferior court of Montgomery shall cease to exist upon the institution of the court of common pleas of Montgomery county, and all causes civil and criminal pending in such inferior court, shall thereby be transferred to such court of common pleas of Montgomery county and the dockets, official papers and records of said inferior court of Montgomery shall be delivered to such court of common pleas of Montgomery county, and shall be proceeded upon as if originally instituted in such court of common pleas; that the civil jurisdiction of such court of common pleas as to all causes in which the defendant resides within the corporate limits of the city of Montgomery shall as against any justice of the peace, or notary public ex-officio justice of the peace in the county of Montgomery be exclusive and any judgment, whether by consent, default or otherwise rendered by any justice of the peace, or notary public ex-officio justice of the peace in Montgomery county in such case shall be null, void and of no effect.

Sec. 2. The judge of the inferior court of Montgomery shall be and become the judge of the court of common pleas of Montgomery county, and shall hold such office until the expiration of his present term as judge of the inferior court of Montgomery: that is to say, until January 1st, 1917, and until his successor is elected and qualified. That his successor shall take office on January 1st, 1917, and shall be elected by the qualified voters of Montgomery county at the general election held for State and county officers in the year 1916, and at the general election every four years thereafter. The judge of said court of common pleas shall have been a resident of Montgomery county, for at least one year, and shall be at least twenty-five years of age, and shall within the State of Alabama have been admitted to the practice of law. The term of office of such judge, except as herein otherwise provided, shall be for the period of four years, and until his successor is elected and qualified. All vacancies in the office of judge of said court shall be filled by appointment of the Governor, and the person so appointed shall hold his office as provided by the Constitution.

Sec. 3. The judge of said court shall receive a salary of three thousand six hundred dollars per annum, payable monthly out of the county treasury, upon his warrant drawn upon the county treasury. The judge, of said court, before entering upon the duties of his office, shall take the oath of office, in form required by law to be taken by the judges of the circuit courts of Alabama and may be removed from office for the causes and in the manner now provided by law for the circuit judges of this State.

Sec. 4. The judge of said court shall have power to issue a restraining order to any justice of the peace, or notary public with powers of a justice of the peace, who assumes to exercise any of the exclusive jurisdiction of said court, and any such justice of the peace, or notary public, may be required to show cause before the judge of said court why he should not be punished for contempt for disobedience to such restraining order.

Sec. 5. Except as herein otherwise provided, all processes issued out of this court shall be addressed to the sheriff of Montgomery county, who shall, either himself or by deputies, execute the same. The sheriff shall receive as compensation for these services, the same fees that are now or may hereafter be allowed him for like services in circuit courts in this State.

Sec. 6. The judge of said court shall appoint a clerk thereof, who shall give bond in the penal sum of two thousand (\$2,000.00) dollars, payable to the county of Montgomery, and conditioned to faithfully discharge the duties of his office, which said bond shall be approved by and filed in the office of, the judge of probate of said county; and also conditioned to pay over all money to the proper officers and persons to whom it is payable and to faithfully account for all moneys coming into his hands, by virtue of his office. Said clerk shall receive a salary of fifteen hundred (\$1,500.00) dollars per annum, payable out of the county treasury in monthly installments, upon his warrant, and he shall hold office at the pleasure of the judge of said court. The clerk of said court shall be authorized to administer oaths and issue all process issuing out of said court, including warrants, affidavits, commitments and releases of said court, and he shall keep docket for the proceedings of the court, and shall certify all appeals, certioraris and transcripts, but all judgments and orders shall be signed by the judge. The fees and costs that are now allowed by law to justices of the peace and sheriffs in said county in civil cases for services in justice of the peace courts shall be taxed and collected, as now provided by law in each case, and such part there-

of as is due the county shall, once each month be paid into the county treasury. The fees allowed the sheriff and witnesses shall be paid direct to them. In civil causes in said court after execution has been issued against the unsuccessful party to said cause, no execution for cost shall be issued or collected in said court against the successful party to said cause. In all criminal cases tried in said court, the same fees shall be taxed and collected as now allowed by law in the county courts of Alabama, except as herein otherwise provided, and shall be paid over by the clerk to the county treasury as herein provided in civil cases.

Sec. 7. There shall be appointed by the judge of said court a bailiff for said court, who shall receive as compensation the sum of three hundred and sixty dollars per annum, payable monthly out of the county treasury, upon the warrant of such bailiff.

Sec. 8. That it shall be the duty of the clerk of such court to issue an execution on all judgments rendered in said court after five days from the entry thereof and to place the same in the hands of the sheriff, who shall return said execution within thirty days thereafter, in accordance with the law now governing executions in justice's courts, except as herein otherwise provided.

Sec. 9. It shall be the duty of the board of revenue of Montgomery to provide a proper place for holding said court and to provide for the comforts and necessary accommodations therefor and to provide said court with all necessary blanks, stationery, dockets, books, and other appurtenances.

Sec. 10. The judge of said court shall be commissioned by the Governor of Alabama.

Sec. 11. It shall be the duty of the solicitor of Montgomery county, to prosecute in criminal cases in said court, and the same solicitor's fee shall be taxed in misdemeanor cases, in said court, and in the same manner, as is taxed for circuit solicitors in similar cases in the circuit courts of this State. The clerk of said court shall be allowed \$900 per year for extra clerical assistance, to be paid out of the county treasury.

Sec. 12. There shall be a jury term for the trial of misdemeanors in said court, beginning on the first Monday of March and November, and the second Monday in August in each year, and continuing until the business of such jury terms is disposed of; and the judge of said court may order special jury terms whenever, in his judgment, the business of the court requires it, for the trial of cases wherein the defendant is

charged with a misdemeanor. Such petit jurors shall be drawn, summoned and empanelled in the same manner as is now, or may be hereafter provided by law, for the drawing and summoning and empanelling of petit jurors for the city court of Montgomery. All laws relating to the qualification, competency, exemptions, objections to, challenging, drawing, summoning, organizing, swearing and arraigning of petit juries, and to the organization of petit juries in the city court of Montgomery shall apply to the court of common pleas of Montgomery county in the trial of cases wherein the defendant is charged with a misdemeanor, as far as practicable, and not in conflict with the provisions of this act. That any person charged with the commission of a misdemeanor in Montgomery county may be tried by the court of common pleas of Montgomery county, upon information indictment or affidavit and warrant of arrest, and the proceedings in such cases shall be the same as provided by law for trials upon information, or affidavit and warrants of arrest in the county courts under the general laws of Alabama, where not otherwise provided. Appeals may be taken from convictions in said court of common pleas of Montgomery county in misdemeanor cases under this section, directly to the Supreme court or Court of Appeals of this State, in the same manner and in the same cases as such appeals are taken there-to from judgments of conviction in the circuit courts of this State, and the judge of said court, in the trial of cases where the defendant is charged with a misdemeanor shall have the same authority and power as now conferred by law upon the judge of the city court of Montgomery, or upon the judges of the circuit courts in this State. That in cases of misdemeanors tried upon warrant and affidavit the judge of the court of common pleas of Montgomery county shall, except as herein otherwise provided, try the law and the facts without a jury, except when a trial by a jury is demanded by the defendant, when he is arraigned for trial, and in the event that a trial by jury is so demanded, the judge of said court shall send a warrant and affidavit in such case to the next term of the grand jury of Montgomery county, requiring the defendant to give bond for his appearance in said court of common pleas of Montgomery county in the event he is indicted by said grand jury for such misdemeanor or in default of such bond to commit the defendant to jail to await the action of such grand jury and the failure of the defendant to demand a jury trial, as herein provided, shall be deemed and held to be a waiver of his right to a trial by jury, provided, that where a conviction is reversed, the

defendant shall again be vested with the right to demand a trial by jury. Whenever any trial is commenced before a jury and cannot be completed during the week in which the same was commenced, then such trial shall be continued into the next week and until the case is ended. The fees of jurors in the court of common pleas of Montgomery county shall be the same, and shall be governed by the same regulations, as now apply to jurors in the city court of Montgomery. The fees of witnesses in said court shall be fifty cents per day and five cents per mile for each mile travelling to and from the court to place of residence of witness, and shall be paid in misdemeanor cases in the same manner in which such fees are now paid in the city court of Montgomery, provided, that the witness must prove his attendance the same day he testifies, otherwise the fees shall not be taxed. Where not otherwise provided, the court, in the trial of cases wherein the defendant is charged with a misdemeanor, shall be governed by the same provisions, and shall have the same authority as judges of the circuit court in this State or the judge of the city court of Montgomery in the trial of cases wherein the defendant is charged with a misdemeanor.

Sec. 13. That it shall be the duty of the sheriff, and he shall be required in person, or by deputy to attend on said court of common pleas of Montgomery county, at all times when the same is in session and being held, preserve order, and execute and return its processes, and perform in said court all other duties required of the sheriff hereby.

Sec. 14. All fines, fees and forfeitures shall be paid by the clerk of said court into the county treasury at least once each month, except as herein otherwise provided.

Sec. 15. That in any prosecution in said court of common pleas of Montgomery county, if it appear to the court that such prosecution is frivolous or malicious, the court shall tax the prosecutor or the person who made the complaint or affidavit with the costs, and when the costs are imposed on the prosecutor or person who made complaint or affidavit, he may confess judgment for the same with good and sufficient sureties and failing to do so, or to pay the same presently, he must be imprisoned in the county jail or sentenced to hard labor for the county for ten days.

Sec. 16. That in all trials of misdemeanors in said court, the Supreme Court of Alabama, or the Court of Appeals, shall have appellate and supervisory jurisdiction over said court of common pleas of Montgomery county, as is provided by law in such trials in the circuit courts, and such cases may be appealed

or removed thereto in the same manner as such cases are appealed or removed thereto from the circuit courts of this State, provided that no appeal can be taken from said court of common pleas of Montgomery county, in misdemeanor cases, to either the city court of Montgomery or the circuit court of Montgomery county. That in the trial of misdemeanor cases in said court, chapter 59 of the Code of Alabama of 1907, relating to bills of exceptions, is hereby made a part of this act, and shall be applicable in all respects in such misdemeanor cases in said court of common pleas of Montgomery county.

Sec. 17. That in civil cases in said court, appeal shall lie and supervisory jurisdiction shall exist in the city court of Montgomery and the circuit court of Montgomery county, and that trials of civil cases begun in the court of common pleas of Montgomery county shall be de novo on appeal or certiorari to the court of appellate jurisdiction, and shall be governed in all respects as now applies by law to appeals to said court from justices of the peace.

Sec. 18. That the proceedings in said court, in cases where the defendant is charged with felony, shall, where not otherwise provided in this act, be governed by the same laws governing the trial of felonies before justices of the peace in this State; provided that wherever on the trial of a defendant charged by affidavit with a felony, the evidence does not show probable cause to believe the defendant guilty of a felony, but does prove to the satisfaction of the judge, beyond a reasonable doubt, that the defendant is guilty of a misdemeanor embraced in the felony charge, the judge may enter a judgment of conviction of said misdemeanor and proceed as if the affidavit had charged said defendant with the commission of said misdemeanor, but when a defendant charged by affidavit with a felony is arraigned for trial, he may demand that, as to his guilt of any misdemeanor embraced in the felony charge that he be tried by a jury. In that event, if, on the trial of the case, the judge does not find probable cause to believe the defendant guilty of felony charge, he shall not take final jurisdiction as to the guilt of defendant as to any misdemeanor embraced in the felony charge, but shall bind the defendant over to the grand jury to await their action as to his guilt of such misdemeanor.

Sec. 19. That in all misdemeanor cases tried by the judge without a jury, either party may, in writing, demand of the judge trying such case, that he find the facts specially, and if a special finding is requested, the judge must state in writing the facts as he finds them, and such statement, with the judg-

ment of the court, must be entered on the minutes, and the same may by bill of exceptions be presented for review on appeal by the defendant, if convicted, to the Supreme Court, or Court of Appeals as prescribed in similar cases before circuit courts in this State, without presumption in favor of the court below, and if there be error, the Supreme Court or Court of Appeals shall render such judgment as the court below should have rendered, or shall reverse and remand the cause for further proceedings, as the Supreme Court or Court of Appeals may deem proper.

Sec. 20. If the judge of said court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said court, it shall be the duty of said judge to appoint some practicing attorney, resident of Montgomery county, as special judge, who shall perform all of the duties imposed upon the judge of said court, during the illness, disqualification or inability of said judge, which said special judge shall be entitled to receive the same compensation as the regular judge of said court.

Sec. 21. The judge of said court shall adopt a seal for such court, which shall be kept in the custody of the clerk.

Sec. 22. That if any section or provision of this act shall be held to be void or unconstitutional, it shall not destroy the validity or constitutionality of any other section or provision, which is not in and of itself void and unconstitutional.

Sec. 23. That there shall be no right of appeal to said court of common pleas of Montgomery county from any justice or other court in Montgomery county.

Sec. 24. That all indictments for misdemeanors found by any grand jury empanelled in said county shall be returned to the said court of common pleas of Montgomery county, and shall stand for trial at the next regular jury term of said court of common pleas of Montgomery. In cases where the defendant stands charged by indictment with the commission of a misdemeanor, it shall not be necessary for him to demand a trial by jury in the court of common pleas.

Sec. 25. That nothing in this act shall be construed to interfere with or affect the power and jurisdiction of the court to which indictments for felony by a grand jury in Montgomery county are returned to find a defendant guilty of a misdemeanor in a case where such defendant is being tried on an indictment for felony and the evidence in the case shows the defendant guilty of the misdemeanor embraced in the felony charge, through not guilty of the felony itself.



Sec. 26. That all laws and parts of laws, local, general, or special, in conflict with the provisions of this act, be and the same are, in so far as they conflict with the provisions of this act, hereby repealed.

Approved February 11, 1915.

No. 28.)

(H. 279—Scott.

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AN ACT

To amend section 11 of an act entitled "An act to establish a board of revenue for Jefferson county; and for the abolishment of the court of county commissioners of said county."

*Be it enacted by the Legislature of Alabama:*

Section 1. That section 11 of an act to establish a board of revenue for Jefferson county; and for the abolishment of the court of county commissioners be, and the same is hereby, amended so as to read as follows: That each member of the board of revenue for Jefferson county shall receive a salary of \$3,600.00 per annum, to be paid in monthly installments of \$300, out of the county treasury, on the certificate, or warrant signed by the president of said board. All laws in conflict herewith are hereby repealed, and this act is to take effect upon its passage and approval by the Governor.

Approved February 5, 1915.

No. 31.)

(S. 134—Burns.

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AN ACT

To rearrange and fix the boundary line and show the lands included in the town of Mignon, Talladega county, Alabama.

*Be it enacted by the Legislature of Alabama:*

That the limits of the town of Mignon, Talladega county, Alabama, shall embrace an area of land, as follows, to-wit: Beginning at the southeast corner of section 19, township 21, range 4 east and running south 500 feet along the section line between sections 29 and 30, thence west along a straight line parallel to the section line between sections 19 and 20 to a point on the Sylacauga and Childersburg road, thence south along said road to the southwest corner of the N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 30, thence west to the northwest corner of the

S. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 30, thence north to the northwest corner of the N. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 30, thence east to the northeast corner of the N. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 30, thence north to the northwest corner of the N. E.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of section 19, thence east to the northeast corner of the S. E.  $\frac{1}{4}$  of section 19, thence east 660 feet along the quarter section line, thence south 330 feet to a point, thence east to the western boundary of the N. E.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of section 20, thence south along said boundary to a point 100 feet south of the northeast corner of the S. W.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of section 20, thence east 660 feet to a point, thence north to the section line dividing sections 29 and 20, thence south 250 feet, thence west 660 feet to a point on the east boundary of the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section 29, thence south to the southeast corner of the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section 29, thence west to the Central of Georgia right-of-way, thence northwestwardly along said right-of-way to a point where the right-of-way crosses the northern boundary line of section 29, then west along said section line to the point of beginning. All the above is in range 4, township 21.

Approved February 9, 1915.

No. 32.)

(S. 135—Burns.

## AN ACT

To amend section one of the act incorporating the city of Sylacauga, Talladega county, Alabama, approved February 26th, 1887, as amended, the same being to fix and establish the boundaries of the city of Sylacauga.

*Be it enacted by the Legislature of Alabama:*

Section 1. That section 1, of an act entitled an act to incorporate the city of Sylacauga, Talladega county, Alabama, approved February 26, 1887, be amended so that the same shall read as follows: Section 1. Be it enacted by the Legislature of Alabama that the city of Sylacauga, Talladega county, Alabama be incorporated and that the corporate limits of said city shall embrace in area as follows, to-wit: N.  $\frac{1}{2}$  of section 32 and all of section 29 all in township 21 south, range 4 east, Coosa land district, except the following portion of said section 29: beginning at the northwest corner of said section 29 and being the northwest corner of said present corporate limits of the city of Sylacauga and running in a southeasterly direction along the northern or eastern side of the right-of-way of the

Central of Georgia Railroad until it reaches the quarter section line which divides the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  and the S. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section 29, thence in an easterly direction to the southeast corner of the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section 29, thence north along the west side of the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section 29 to within 250 feet of the north section line of section 29, thence east 660 feet parallel with the north section line of section 29, thence north 250 feet to the section line, said corporate limits being the same as now constituted except all that portion of the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section 29 lying north and west of the railroad is excluded together with all of blocks 129, 130 and 131 according to the original map and plan of the Marble City Land and Furnace Company of the town of Sylacauga on record in the office of the judge of probate in Talladega county, Alabama, in plat book 1, page 34.

Approved February 9th, 1915.

No. 39.)

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AN ACT

(S. 75—Pride.

To fix the time for holding the February term of the circuit court of Madison county.

*Be it enacted by the Legislature of Alabama:*

1. The February term of the circuit court of Madison county shall begin on the second Monday in February, and may continue for three weeks.

2. All laws in conflict herewith are repealed.

Approved February 9, 1915.

No. 44.)

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AN ACT

(S. 13—Wallace.

To extend the terms of office of the judge, solicitor and clerk of the county court of Shelby county until the 15th day of January, 1917, and to make said officers elective at the general election 1916, and every six years thereafter, and prescribe the terms of office of said officers.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the term of office of the present judge, solicitor and clerk respectively of the county court of Shelby county, be and the same are hereby extended until the 15th day

of January, 1917, and until their successors are elected and qualified.

Sec. 2. That a judge, solicitor and clerk respectively of said county court of Shelby county, shall be elected by the qualified electors of said Shelby county, Alabama, as provided by law for the election of other county officers at the general election, 1916, and at the general election every six years thereafter, whose term of office, respectively, shall be six years and until their successors are elected and qualified.

Sec. 3. That the judge, solicitor and clerk, respectively of said county court of Shelby county, who shall be elected at the general election, 1916, terms of office shall begin on the 15th day of January, 1917, and continue for six years, and their successors in office terms of office shall begin on the 15th day of January next following their election.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 19, 1915.

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No. 47.)

(H. 534—Griffin.

### AN ACT

To detach Marengo county from the first judicial circuit and to transfer the cases pending in the circuit court of Marengo county, and the jurisdiction to try and determine the same, to the Marengo law and equity court, and to repeal conflicting laws.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the county of Marengo is hereby detached from the first judicial circuit, and all causes pending in the circuit court of Marengo county are hereby transferred to Marengo law and equity court, which Marengo law and equity court is hereby clothed with full and complete jurisdiction to try and determine said causes in all respects as fully as said circuit court of Marengo county had before said transfer, provided, this law shall take effect immediately after its approval by the Governor.

Sec. 2. That all laws in conflict herewith are hereby repealed.

Approved February 11, 1915.

No. 50.)

(H. 586—Bradshaw.

## AN ACT

To repeal an act entitled "An act for the protection of plantations and crops within certain limits of Lauderdale county, Alabama," approved December 14, 1869.

*Be it enacted by the Legislature of Alabama:*

That an act entitled "An act for the protection of plantations and crops within certain limits of Lauderdale county, Alabama," approved December 14, 1869, be and the same is hereby repealed.

Approved April 5, 1915.

No. 51.)

(S. 36—Winkler.

## AN ACT

To repeal an act to create and establish the Andalusia city court of law and equity for Covington county, approved April 19th, 1911, and to abolish that court and provide for the pending and adjudicated causes, records, papers, files, properties and proceedings therein.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act to "create and establish the Andalusia city court of law and equity for Covington county." Approved April 19, 1911, be and the same is hereby repealed, and that court abolished.

Sec. 2. That all pending and adjudicated equity causes, whatsoever, in and pertaining to said law and equity court, in equity, and the records, papers, files, properties, and proceedings therein, be, and the same is hereby transferred into the chancery court for Covington county, Alabama, and therein to be and remain as part of the causes, records, files, properties, and proceedings therein, and of said chancery court, with all powers, jurisdiction and authority invested in said chancery court in all respects to do, try, and dispose thereof, by said chancery court and any and all officers thereof, as would or could have been in and by said law and equity court, or as if the same had originated in said chancery court.

Sec. 3. That all pending and adjudicated civil, criminal, and quasi-criminal causes, whatsoever, in and pertaining to said law and equity court, on the law side thereof, and all records, papers, files, and properties and proceedings whatsoever, be, and the same is hereby transferred into the circuit court of Covington county, Alabama, therein to be, and remain,

as parts of the causes, records, papers, files, properties, and proceedings therein, and of said circuit court, with all powers, jurisdiction and authority, invested in said circuit court in all respects to do, try, and dispose thereof, by said circuit court and any and all officers thereof, as would or could have been in and by said law and equity court, or as if the same had originated in said circuit court.

Sec. 4. That this act shall become effective immediately; all laws or parts of laws in conflict herewith being expressly repealed.

Approved January 28th, 1915.

No. 55.)

H. 378—Fite of Tuscaloosa.

#### AN ACT

To abolish the office of treasurer of Tuscaloosa county, Alabama, and repealing all laws or parts of laws in conflict with the provisions of this act, and providing when this act shall take effect.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of treasurer of Tuscaloosa county, Alabama, be and the same is hereby abolished.

Sec. 2. That all laws or parts of laws in conflict with the provisions of this act be and the same hereby are repealed in so far as they relate to Tuscaloosa county, Alabama.

Sec. 3. That this act shall not be construed to take effect until the expiration of the term of office of the present treasurer of Tuscaloosa county, but shall be and become a law immediately after the expiration of the term of the office of the present treasurer of Tuscaloosa county, Alabama.

Approved March 17, 1915.

No. 57.)

(H. 497—Caffey.

#### AN ACT

To reimburse George E. Gordon, former county superintendent of education of Lowndes county, Alabama, for the overpayment of money by him, as such superintendent.

*Be it enacted by the Legislature of Alabama:*

Section 1. That whereas, George E. Gordon, former superintendent of education for Lowndes county, Alabama, did dur-

ing the scholastic year 1908-1909 overpay to the public school teachers of Lowndes county, (\$510.50) five hundred ten and 50/100 dollars under and by virtue of the contracts made with said teachers by the board of education of said Lowndes county, Alabama.

Sec. 2. And whereas, said George E. Gordon having made due and sufficient proof of the payment of said sum of \$510.50 of his own individual money to said teachers, as set forth in the first section of this act:

Sec. 3. Therefore, be it enacted by the Legislature of Alabama, that the auditor of the State of Alabama, is hereby ordered and required to draw his warrant on the treasurer of this State in favor of said George E. Gordon for the sum of \$510.50.

Approved March 5, 1915.

No. 80.)

(H. 531—Welch.

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AN ACT

To amend an act entitled "An act to amend an act entitled an act entitled 'An act to establish the criminal court of Jefferson county, Alabama, approved February 18, 1887,' which said act was approved December 7th, 1900.

*Be it enacted by the Legislature of Alabama:*

That section 11 of an act entitled "An act to amend an act entitled 'An act to establish the criminal court of Jefferson county,' approved February 18, 1887," which said act was approved December 7th, 1900, be and the same is hereby amended so as to read as follows: Be it further enacted that the solicitor of Jefferson county shall have the power and he is hereby given the authority to employ any assistance he may deem necessary to properly administer justice and to fix the compensation to be paid for such assistance, and to incur any expenses he may deem necessary to properly administer justice, and such compensation for such assistance, and all such necessary expenses shall be paid out of the solicitor's fund of said county, provided there is sufficient amount in said fund to pay said compensation or expenses at the time the same is due under the provision of this act, but provided further, if there is not a sufficient amount in said solicitor's fund to pay such compensation or expenses at said time, the treasurer of Jefferson county is hereby authorized and required to pay said amount or amounts out of the general fund of Jefferson county. The

board of revenue of said county is hereby authorized and required to appropriate out of the solicitor's fund, or the general fund as above provided, any amount necessary, in addition to the amount now appropriated or authorized to be appropriated by law, for the payment of such assistance; such amount to be paid upon the affidavit of the solicitor that such assistance or expense was necessary to properly administer justice. Provided that the amount so expended or drawn out of the general fund of Jefferson county shall not exceed the sum of \$5,000.00 in any one year.

Approved July 9, 1915.

No. 81.)

(H. 507—Vaughan.

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AN ACT

To create the office of official reporter for the city court of Montgomery; to provide for his appointment; to prescribe his duties and qualifications; to fix his compensation and provide for the payment of same.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of official reporter of the city court of Montgomery is hereby created. Which shall be in lieu of the office of official stenographer for the city court of Montgomery, which said office of official stenographer for the city court of Montgomery is hereby abolished.

Sec. 2. The judges of the city court of Montgomery and the solicitor of Montgomery county are required to appoint a competent short hand writer to perform the duties of official reporter in the city court of Montgomery who shall be a man of good moral character and has been a resident of Montgomery county for two years, who is able to take short hand notes at the rate of one hundred and fifty words per minute for five consecutive minutes and correctly read and transcribe the same. Said official reporter shall be an officer of the court and shall hold office for four years from the date of his appointment or until his successor qualifies: Provided, however, that the judges of said court shall, at any time, have power to remove said official reporter for incompetency or misconduct in office or unsatisfactory service.

Sec. 3. That the judges of said city court of Montgomery, together with the solicitor of Montgomery county, are hereby constituted a "board of examiners" to determine the competency of applicants for the position of official reporter; said board



shall meet whenever in the discretion of a majority of its members the same is necessary and examine all applicants who may present themselves, to ascertain and determine whether such applicants, or any of them, have the qualifications required by section 2 of this act, and any applicant found to possess the necessary qualifications shall be furnished a certificate in writing signed by the board, to the effect that they are fully qualified under section 2 of this act to perform the duties of official reporter, and no person shall be eligible to appointment who does not possess such certificate, of some date prior to the appointment of official reporter or official stenographer.

Sec. 4. It shall be the duty of the official reporter to attend the sessions of the court in person, or by an assistant who shall be appointed by the Court, and take full stenographic notes of the oral evidence and proceedings, except arguments of counsel, in every case in such court as the judge thereof shall direct or any party thereto may request with the approval of the judge, to be reported, and must also note the order in which all written or documentary evidence is introduced, all objections and rulings of the court thereon, and exceptions which may be reserved thereto. The original notes taken by said official reporter shall be filed in such place as the court may direct, and shall be treated and preserved as a part of the records of said court. Said official reporter shall furnish as soon as practicable and within the time designated by the judge to any party or his or her attorney of record to a cause reported by him demanding the same in writing, a typewritten transcript of his notes or exhibits, or any part thereof, upon payment of a transcript fee of fifteen cents for each one hundred words thereof, and for each additional copy to be made at the same time, five cents for each one hundred words thereof. Provided, however, that in any criminal cause wherein any party shall make an affidavit that he or she is unable to pay for said transcript, and that in his or her opinion the said transcript is necessary for a proper review of his or her case, and the attorney of said party so making the affidavit shall certify that in his opinion the transcript is necessary for the proper review of the cause, then the presiding judge shall direct the official reporter to furnish one typewritten copy of such transcript, which shall be so furnished, to be filed with the clerk of said city court of Montgomery, free of charge. The judge may inquire into and ascertain whether or not the party making the affidavit is able to pay for any part of said transcript, and if he should ascertain that the said party is able, then in that event, he may direct the party to pay such sum as in his judgment is right and proper,

and shall direct the transcript to be made. The official reporter shall transcribe the notes or dictation of the judges of the court.

Sec. 5. That said official reporter or assistant shall certify the transcript of his original notes over his signature, and when so certified such transcript shall be prima facie evidence of the proceedings in said cause, and said official reporter, or assistant, must file such official transcript within thirty days after written demand is made therefor unless such time is extended by the court for good cause.

Sec. 6. Said official reporter shall receive a salary of one hundred and twenty-five dollars per month, payable monthly by the board of revenue of Montgomery county. And said board of revenue is required to furnish an office for such official reporter and upon requisition furnish the stationery and supplies necessary for the court work.

Sec. 7. The judge of the court may employ a competent assistant, and a certified transcript in a cause made by such assistant shall be taken and considered in all things and have the same force and effect as if the same was made by the official reporter. An assistant may be employed only when the official reporter is engaged in the performance of his official duties or on the disability of the official reporter, and the service of such an assistant or assistants may be ascertained by the judge to be necessary and said judge shall so direct, and such assistant shall be compensated by the payment of five dollars per diem for the number of days actually engaged in attendance on sessions of the court, which compensation shall be paid on the last day of each month in which the services were rendered on certificate from the judge or judges of said court certifying the number of days so employed in said month, and the amount due for such services, which certificate shall become immediately payable on presentation to the board of revenue of Montgomery county.

Sec. 8. That such official reporter and assistants appointed under the provisions of this act, shall take an oath before entering upon the discharge of their duties as such before some officer authorized by law to administer oaths, that he and each of them will faithfully discharge all of the duties prescribed in this act, which said oath shall be filed and recorded by the judge of probate of Montgomery county, Alabama.

Sec. 9. That such official reporter, or any assistant duly and legally appointed under the provisions of this act, shall be authorized to attend any of the sessions of the grand jury organ-

ized in the city court of Montgomery when directed by the judges, and to take notes and transcribe the same in any case or upon any matter under investigation by such grand jury whenever requested by the solicitor for said county; the presence of such reporter, or his assistant, as the case may be, shall not in any wise invalidate any indictment returned into any court by any grand jury, and said official reporter, or assistant, shall be sworn to keep secret everything coming to his knowledge by reason of his presence in the grand jury room or by reason of his office.

Sec. 10. That all civil cases reported by such official reporter, or any assistant appointed under the provision of this act, there shall be taxed as a part of the costs in such cases a fee of five dollars for each day or part of a day in which the official reporter or assistant is engaged in reporting the same, which shall be collected as other costs in the case, and when collected shall be paid into the treasury of said county; and in all criminal cases reported by such official reporter or any assistant appointed under the provisions of this act, there shall be taxed as a part of the costs in such cases a fee of five dollars for each day or part of a day in which the official reporter or assistant is engaged in reporting same, which shall be collected in the same manner as other costs are collected in criminal cases, and when collected shall be paid over by the clerk of the said court into the treasury of said county.

Sec. 11. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 24, 1915.

No. 86.)

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AN ACT

(H. 419—Griffin.

To better provide for the payment of the fees of State witnesses in criminal cases in the Marengo law and equity, and county courts, of Marengo county, Alabama, and before the grand jury of Marengo county, Alabama, and to make appropriations therefor, and to fix the amount of such fees.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby appropriated out of the general fund of Marengo county, one thousand (\$1,000.00) dollars annually, to be used for the payment of the fees of State witnesses in criminal cases in the Marengo law and equity, and county courts, and before the grand jury, and the commission-

ers' court of said county are required to set aside said sum each year from the general fund of said county to be used or so much thereof as may be necessary to be used only for the payment of witnesses fees that accrue after the passage of this act. Provided that none of said amount of one thousand (\$1,000.00) dollars shall be paid out, except said payment be made direct to the witness to whom the witness certificate was issued, and who is at the time of payment the owner of said certificate.

Sec. 2. That the amount of all State witness certificate issued in any case must on conviction of the defendant, be taxed against the defendant and collected out of him as other costs, as is provided by law, and shall be paid by the officer collecting the same into the county treasury to the credit of the general fund.

Sec. 3. All fines and forfeitures and other monies that are now required to be paid into the Marengo law and equity court fine and forfeiture fund of said county, or that belong to said fund or constitute a part of the same, shall continue to be paid into said fine and forfeiture fund and shall be used to pay off and discharge outstanding claims against said fund and claims accruing against said fund in the manner as now provided by law, provided that the commissioners court may when there is a surplus in the Marengo law and equity court fine and forfeiture fund over and above the registered claims registered against said fund, make an order transferring such surplus to the general fund to be used in the payment of witness certificates issued to State witnesses.

Sec. 4. All claims and items of costs which under existing laws, are made claims against the Marengo law and equity court, fine and forfeiture fund of said county, shall continue to be claims against said fund as they accrue, and shall be paid in the manner now provided by law, except the witness fees paid out of the money appropriated by this act, and this act shall not be held to repeal any existing law regulating said fund, or the payment of claims against the same.

Sec. 5. That the fees allowed State witnesses shall be the same as now provided or may hereafter be provided by law.

Sec. 6. That all witness fees in excess of the amount hereby appropriated and not paid in any other way shall be claims against the fine and forfeiture fund of said county, and shall be paid out of the same in the order of their registration.

Sec. 7. This act shall go into effect and become operative, on and after the first day of April, 1915.

Approved March 17, 1915.

No. 109.)

(H. 407—Smith of Geneva.

## AN ACT

For the relief of R. J. Purvis.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the clerk of the circuit court, Geneva county, Alabama, be and he is hereby authorized and required to issue and deliver to R. J. Purvis, duplicate certificates of the witnesses who appeared as witnesses before the grand jury of the circuit court of Geneva county, Alabama, prior to January 1st, 1911, the amount thereof in the aggregate not to exceed two hundred and fifty dollars; provided that the said clerk shall not be authorized or required to issue under the provisions of this act any duplicate certificates except for such witnesses as he may ascertain by consulting the grand jury docket and other records that have been issued prior to said date, and which have not been registered or presented for payment; it being the purpose of this act to re-imburse R. J. Purvis for certain witness claims or certificates held by him, and which were destroyed by fire when the court house of Geneva county, Alabama, was burned in February, 1911.

Sec. 2. Be it further enacted that upon the issuance of the certificates under this act, the same shall be a legal charge against the fine and forfeiture fund of Geneva county, and paid in the same way and manner as other claims of the same character are paid out of said fund.

Approved March 8, 1915.

No. 109½.)

(H. 137—Blackwell.

## AN ACT

To fix the time for holding the regular terms of the city court of Anniston.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the regular terms of the city court of Anniston shall be held as follows, beginning on the third Monday in January of each year and continuing until and including the last Saturday in June, and beginning on the first Monday in September of each year and continuing until and including the third Saturday in December. Said court may be adjourned temporarily at any time if the business therein does not require its continuous sitting.

Sec. 2. All laws in conflict with the provisions of section 1 are hereby repealed.

Approved March 17, 1915.

No. 110.)

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(H. 292—Grayson of Mobile.  
AN ACT

To provide detention homes for juvenile delinquents in Mobile county, including the appointment of officers and the fixing of their salaries and the control of said homes.

*Be it enacted by the Legislature of Alabama:*

First. It is hereby made the duty of the board of revenue and road commissioners of Mobile county to provide detention homes for boys and for girls who are being detained for trial before the juvenile court of Mobile county or held under commitment from said court or to arrange with some incorporated society or association within said county for the maintenance of such homes, and in either case, said homes shall be conducted as agencies of the said court.

Second. There shall be appointed by and hold office at the will of the juvenile court commission of Mobile county, for the care of said homes, a superintendent and matron and such other employees as may be necessary for the care of said homes, whether the said homes be provided by the county or conducted as agencies of the court under contract with the said county; and all salaries of the employees of said homes shall be fixed by the commission and paid by the board of revenue and road commissioners of Mobile county.

Third. The said homes and employees thereof shall be under the control of the juvenile court commission of Mobile county.

Fourth. This act shall become effective sixty days after its approval.

Approved March 8, 1915.

No. 111.)

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(H. 702—Andrews.  
AN ACT

For the relief of M. M. Dunn, treasurer of Lee county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That, whereas the court of county commissioners of Lee county, Alabama, heretofore appropriated out of the

general fund of said county the sum of fifty dollars to the building fund of the Confederate monument at Opelika, in said county; and, whereas, said court appropriated out of said general fund the sum of \$142.75 for telephones in the office of the sheriff and probate judge of said county; and whereas, the said court appropriated out of said fund the sum of \$376.50 for an adding machine for use in the offices of the tax collector and tax assessor of said county; and whereas, warrants for said several sums were drawn on the treasurer of said county, the said M. M. Dunn, and were duly paid by him out of the general funds in his custody as such treasurer; the said payments made as aforesaid be and the same are hereby approved and the said M. M. Dunn be and is hereby relieved of any personal or official liability whatever by reason of said payments so made by him.

Approved March 10, 1915.

No. 113.)

(H. 477—Morris.)

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AN ACT

To change the incorporate limits of the town of Daleville, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the incorporate limits of the town of Daleville, Alabama, be changed to the following boundaries: On the north by the northern boundary of the right of way of the Atlantic Coast Line Railroad Company, and on the east a half of a mile from the Bank of Daleville, in the town of Daleville, Alabama, on the west a half of a mile from the Bank of Daleville, in the town of Daleville, Alabama, on the south one mile from the Bank of Daleville in the town of Daleville, Alabama.

Approved March 5, 1915.

No. 117.)

(H. 667—Brown of Etowah.)

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AN ACT

To change the court of county commissioners of Etowah county; to appoint a president thereof and define his duties and to relieve the probate judge of said county of all duties and powers in connection therewith.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the commissioners court of Etowah county shall be changed so as to consist of the present four commission-

ers elected from the four districts of said county, and a president of said court to be appointed by the Governor of the State of Alabama, as soon as may be after the passage of this act, and so changed shall have and continue in the exercise of all powers and duties now, or which may hereafter be conferred on them by law.

Sec. 2. That the Governor shall appoint the president of said court from the qualified voters of said county, and the term of office of the president appointed under the provisions of this act shall end and expire on the first Monday after the second Tuesday in January, 1917, and that his successor shall be elected by the qualified electors of said county at the general election to be held on the first Tuesday after the first Monday in November, 1916, and every six years thereafter. His salary shall be same as that now allowed the probate judge for his services while acting with the court of county commissioners.

Sec. 3. That the four members of said court elected from the four districts of said county shall continue in office until their respective terms expire and until their successors are elected and qualified under existing law.

Sec. 4. That the probate judge of said county be and he is hereby relieved from all official connection with said court, and all the duties and powers now by law devolved on said probate judge in connection with said court be and the same are hereby devolved on said president.

Sec. 5. That this law shall take effect immediately upon its passage.

Sec. 6. That all laws and parts of laws both general and special in conflict with this act be and the same are hereby repealed.

Approved February 24, 1915.

No. 118.)

(H. 673—Blackwell.

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AN ACT

To fix the time of payment of claims against the fine and forfeiture fund of Calhoun county, and to provide for the time and manner in which said claims shall be barred.

*Be it enacted by the Legislature of Alabama:*

Section 1. That all persons holding claims against the fine and forfeiture fund of Calhoun county, which were registered prior to the first day of January, 1905, are required to present



such claims to the county treasurer for payment within three months from the passage of this act, and the county treasurer shall give notice of this requirement for three weeks by publication in a newspaper published in said county.

Sec. 2. That all claims against the fine and forfeiture fund of said county, registered prior to the first day of January, 1905, and not presented for payment within the time required by this act shall be barred, and become void and of no effect, and the treasurer shall endorse the fact upon the register of claims required to be kept by him.

Sec. 3. That all persons holding claims against the fine and forfeiture fund of Calhoun county, which were or shall be registered since the first day of January, 1905, are required to present them to the county treasurer for payment within twelve months from the time said claims become due and payable, and the county treasurer shall in February and August of each year, give notice of the numbers and dates of registration of such claims as are due and payable, and all such claims not presented for payment within twelve months from the time of such notice shall be barred, and become void and of no effect, and the county treasurer shall endorse the fact upon the register of claims required by law to be kept by him. The cost of said notice shall be paid out of the county treasury.

Approved March 23, 1915.

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No. 120.)

(H. 719—Bealle.

### AN ACT

To fix the salary of the judge of the Tuscaloosa county court and to provide for the manner of payment of same.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the salary of the judge of the Tuscaloosa county court be and hereby is fixed at thirty-three hundred dollars per annum.

Sec. 2. Be it further enacted that the sum of twenty-seven hundred dollars shall be paid from the State treasury in equal monthly installments on the last day of each month, and that the sum of six hundred dollars shall be paid from the treasury of Tuscaloosa county in equal monthly installments on the last day of each month, and that the probate judge of Tuscaloosa county be and hereby is authorized and directed to draw

warrants on the county for payment of said sums of money directed hereby to be paid by the county.

Sec. 3. Be it further enacted that all laws and parts of laws in conflict with the provisions of this act be and the same hereby are repealed.

Approved February 18, 1915.

No. 121.)

(H. 671—Fite of Tuscaloosa.

### AN ACT

To provide for the appointment of an official court reporter for Tuscaloosa county; to prescribe his duties; to fix his compensation, and to provide for the payment of the same.

*Be it enacted by the Legislature of Alabama as follows:*

Section 1. That the judge of the Tuscaloosa county court, and the judge of the circuit in which Tuscaloosa county is situated, are hereby authorized and directed to appoint a competent shorthand writer to perform the duties of official court reporter for Tuscaloosa county. Said reporter shall be an officer of the court, and shall hold office for the term of four years from the date of his appointment and until his successor shall be appointed and qualified; provided, that the judge of either of said courts shall, at any time, have power to remove such official reporter upon proper charges filed in writing and entered of record duly sworn to, for incompetency, neglect of duty, insubordination, or misconduct, if, after hearing such charges and such proof as may be offered in support thereof and against the same, it shall appear that such charges are well founded and satisfactorily proven.

Sec. 2. That the judges making the appointment of such official reporter shall certify the appointment, together with a copy of the oath of office taken by such reporter, to the clerk of the Tuscaloosa county court and the circuit court of Tuscaloosa county, and such certificate shall be entered of record by such clerk.

Sec. 3. That such official reporter, before entering upon the discharge of his duties, shall subscribe to the following oath: "State of Alabama, Tuscaloosa county: I \_\_\_\_\_, do solemnly swear that I will well and truly report all matters which it shall become my duty to report as the official reporter for Tuscaloosa county, Alabama, and will perform all such duties as are incumbent upon me as such official reporter,

faithfully and impartially, to the best of my ability, so help me God."

Sec. 4. That the said official reporter shall have the right to appoint one or more competent assistants, by and with the advice and consent of the judges of the said courts of Tuscaloosa county, who shall perform the duties of such official reporter in his absence, and who shall, before performing the duties of such assistant reporter, take the oath hereinbefore provided to be taken by such official reporter, and who shall be subject to the same regulations herein provided for such official reporter; provided, that no assistant shall serve who is not acceptable to the judge of the court in which he is appointed to serve.

Sec. 5. It shall be the duty of such official reporter to attend the sessions of the Tuscaloosa county court and of the circuit court of Tuscaloosa county in person, or by competent assistant appointed by him as provided in section four of this act, and to take full stenographic notes of the oral evidence and proceedings, except arguments of counsel, in every case in such courts as the presiding judge may direct or any party thereto may request to be reported, and must also note the order in which all written or documentary evidence is introduced, all objections and the ruling of the court thereon and exceptions which may be reserved thereto. The original notes taken by such reporter or his assistant shall be filed in his office, and shall be treated and preserved as a part of the records of the court in which taken. He shall, when directed by the presiding judge, attend the grand juries of said county in their investigations, and shall take notes of the evidence before said grand juries in such cases as he may be directed, and said notes shall be transcribed by him when directed by the solicitor, and said notes, together with any transcript of same, shall be turned over by him to the solicitor of the court where taken. He shall furnish, within thirty days, to any party to a cause reported by him demanding the same in writing, a typewritten transcript of his notes, or any part thereof, upon payment of a transcript fee of five cents for each hundred words thereof, and for each additional copy to be made at the same time two and one-half cents for each hundred words thereof; provided that the time within which said official reporter may furnish any transcript after written demand has been made as hereinabove provided, may be extended by the presiding judge for good cause; and provided that the said official reporter may charge such fee as may be agreed upon in case he is required to furnish any transcript within less than thirty days from the time the same is demanded.

It shall also be the duty of such official reporter or his assistant, to report any preliminary hearing in any criminal cause held at the county seat of said county, upon at least three days notice by the solicitor or the attorney for the defendant or the presiding magistrate, and furnish a transcript of such evidence to each party to the cause within thirty days after written demand for same.

Sec. 6. That the said official reporter or his assistant shall, upon three days notice by the judge of probate, report any case, hearing or contest in the probate court, and furnish a typewritten transcript of the evidence to the judge of probate, to be placed in the file, for which services he shall be entitled, in addition to the compensation hereinafter provided for, to a fee of ten cents per hundred words for such transcript, to be taxed as a part of the costs in any such case reported, and when collected by the judge of probate shall be paid over to the said official reporter.

Sec. 7. That said official reporter shall receive a salary of twelve hundred dollars per annum, payable in monthly installments of one hundred dollars each; and the clerk of the Tuscaloosa county court shall issue a certificate each month for such monthly installment, which certificate shall be paid by the county treasurer on presentation, without being audited, or approved by the commissioner's court or other governing body of said county, as juror's certificates are now paid.

Sec. 8. That said official reporter shall himself pay for the services of any assistant reporter appointed by him as herein provided, except that whenever the duties required of such official reporter under the provisions of this act will necessitate the services of two or more reporters during the same time, and in that event said official reporter shall be entitled, in addition to the other compensation provided for in this act, to the sum of seven dollars and fifty cents for each day for each reporter in addition to one so serving, or for each fraction of a day; for which additional compensation the clerk shall upon certificate of the presiding judge or officer under which such additional service is performed, issue to said official reporter a certificate for such amount, which shall be paid by the county treasurer as certificates for his regular monthly salary are hereinabove provided for.

Sec. 9. That the county commissioners or other governing body of the county discharging the duties of county commissioners, shall provide the said official reporter with a suitably furnished office in the court house, and allow to such official

reporter such amounts as he shall properly expend for stationery and supplies necessary in the proper discharge of his said duties.

Sec. 10. That such official reporter or his assistant shall, when directed by the presiding judge furnish to such presiding judge of the court in which any case is reported, free of charge, one typewritten transcript in any case reported by him.

Sec. 11. That all transcripts furnished by the said official reporter or his assistant shall be certified to by him over his signature, and when so certified such transcript shall be prima facie evidence of the proceedings in said cause.

Sec. 12. That from and after the adoption of this act Tuscaloosa county shall not be required to pay any part of the salary of the official stenographer of the circuit in which such is situated.

Sec. 13. That all laws and parts of laws in conflict with this act or any of its provisions, be and the same are hereby repealed.

Sec. 14. That this act shall become effective immediately upon its passage and approval.

Approved February 18, 1915.

No. 123.)

(H. 587—Darden.

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AN ACT

To provide for the working, grading, improvement and building of the public roads and bridges of Coosa county, Alabama, and to provide revenue for doing same.

*Be it enacted by the Legislature of Alabama:*

Section 1. That this act and the general laws of the State of Alabama, not in conflict with the provisions of this act, shall constitute the law of Coosa county, Alabama, on the subject of public roads and bridges.

Sec. 2. That the court of county commissioners shall at the first meeting after the passage of this act or as soon thereafter as practical appoint or elect a superintendent of public roads and bridges for Coosa county, who shall hold office for a term of two years from the date of his election or appointment or until his successor is elected a qualified; provided that the first superintendent shall hold office only until October 1st, 1915, when the regular appointment of two years shall be made. Provided, however, that the court of county commissioners may re-

move the superintendent of public roads and bridges at any time they may see proper on account of incompetency, neglect of duty or public drunkenness, or for any other good and valid reason, and provided further the said court of county commissioners may discontinue the services and compensation of the superintendent of roads and bridges for as many months in the year as they may deem advisable. The court of county commissioners shall fix the salary of the superintendent of county roads and bridges not to exceed one thousand dollars per year. The superintendent of public roads and bridges herein provided for must have had practical experience in the building and maintenance of improved roads and bridges. Provided, no one who has been connected with the court of county commissioners within one year previous to the time of making the appointment shall be eligible for the office of superintendent of roads and bridges.

Sec. 3. Said superintendent of roads and bridges shall before entering into the discharge of the duties of his office, qualify by taking and filing the statutory oath of office, and by giving a good and solvent bond in the sum of two thousand and five hundred dollars payable to the judge of probate of Coosa county for the use of said county, with sureties to be approved by the probate judge of Coosa county, which oath and bond shall be recorded in the office of the probate judge.

Sec. 4. The court of county commissioners is hereby empowered and authorized to employ a civil engineer to survey or locate new roads or to change old roads, or to perform any other service in connection with the public roads and bridges of said county, and to pay him a reasonable compensation for his services, for the time they may employ him to perform said work for the county.

Sec. 5. The salary of the superintendent of roads shall be paid in monthly payments for his services while at work by warrants drawn in his favor by the judge of probate upon the county treasury and chargeable to such fund or funds as the court of county commissioners may direct; provided that no salary shall be paid after the removal or resignation of such superintendent, or after his services have been discontinued for the time by the court of county commissioners.

Sec. 6. That the civil engineer employed by the court of county commissioners is hereby empowered with the authority to make surveys for the county roads at any time or through any one's premises, and shall have the right to take on such

premises the necessary men to carry on the survey work but not to open up or grade any change or new road without the consent of the owner or of the person in possession; and any person who shall knowingly interfere with the work of the said civil engineer employed by the county, or refuse to allow him and his force to enter their premises while making any survey, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars. The court of county commissioners may combine the duties of superintendents of roads and bridges with that of the civil engineer if practicable but on the salary for the superintendents of roads and bridges.

Sec. 7. That each male person who is over the age of eighteen years and under the age of fifty years shall be subject to road duty in said county, and shall be compelled to work on the public roads of said county for ten days in each year and that ten hours work shall constitute a day; provided, that any person who under this section is subject to road duty in said county may be relieved from working on said public roads by paying a road tax of seven and one-half dollars, which shall form a part of the road fund of said county; provided further that the road tax herein provided must be paid on or by the first day of February of each year after the year 1915, and for the year 1915 same must be paid within sixty days after the approval of this act; and if any person fails to pay the amount herein specified by the time named, he shall be compelled to work on the public roads for the term of ten days as hereafter provided; provided further that this act shall not apply to any person living within the corporate limits of any city, town or village of said county. Provided the court of county commissioners may when in their judgment the conditions of the roads and bridges will warrant same reduce the road duty tax provided in this section to not less than five dollars per annum.

Sec. 8. The duties of the superintendent of roads and bridges shall be as follows: (1st) To have control and supervision of public roads and bridges and of the road and bridge foremen of the county, and to direct the manner of working, building, grading and maintaining of same, subject to such rules and directions as may be given by the court of county commissioners. (2nd) To appoint all road foremen subject to the approval of the court of county commissioners, and to remove any of them from office should they fail to perform the duties imposed upon them, or for public drunkenness, incom-

petency, neglect of duty in either working the roads or failing to properly see after the property of the county entrusted to their charge; provided however, that the court of county commissioners may for any good or valid reason remove any road foreman at any time they see proper or for any reason that the superintendent of roads and bridges might remove them. (3rd) To lay out all the work for the road foremen and to see that the road foremen put in faithful and diligent service during their employment, and if they fail to do so to report the matter to the commissioners court. (4th) To work and improve the roads and bridges of Coosa county in the best manner practical. (5th) To let contracts for the building, repairing, or maintaining of bridges, culverts and causeways of the county under the direction of the court of county commissioners. (6th) To cause to be erected suitable mile posts and signboards. (7th) To have charge and control of the mules, horses, tools, wagons, implements and other road machinery of every kind and description and to have control of all bridge material, and at the expiration of his term of office to deliver same to the judge of probate. (8th) To buy all the necessary feed for the mules and horses of the county and to see that proper care is taken of the same and judiciously used, and to buy same from any person where it can be had the cheapest, provided that the commissioners court have the right, if they deem best, to buy all the feed for the county's livestock. (9th) To apportion the road hands of the county to the road foremen in their proper districts. (10th) To make reports under oath to the judge of probate and to the court of county commissioners at their regular session, showing the amount of road and bridge work that has been done in the county since the last report, the expense occasioned by such work and such recommendation for the future progress of the work as he may deem proper. He shall make additional reports each month to the judge of probate showing the names and number of road hands who have discharged their liability for road duty by work and the amount of work that has been done together with the amount due each pay laborer. Such report shall cover the preceding month and shall show the amount due for equipment, supplies, feedstuffs purchased since his last report, properly itemized and sworn to so as to show to which fund it is chargeable. The judge of probate shall draw warrants upon the county treasury in favor of the person to whom said amount is due upon the approval of the court of county commissioners.



Sec. 9. That it shall be the duty of the court of county commissioners of said county to purchase all the necessary mules, horses, oxen, livestock, teams, harness, road machines, engines, traction engines, wagons, carts, scrapes, plows, scoops, dump carts, tents, implements, piping, lumber, nails and all the other necessary material, paraphernalia or things necessary in the modern construction, working, building, grading, maintaining and repairing of the public roads and bridges of said county, and they are authorized to buy same either for cash or credit; and they must buy all of the same where it may be purchased the cheapest and may authorize bids from any person or persons for any or all of the above described property for the use of their county. And said court is hereby authorized and empowered for the purpose of carrying to effect the provisions of this act to appropriate out of the road and bridge fund, or any other fund not otherwise appropriated, such sum or sums as in their judgment will be necessary. And said court must make provisions for the care of all the live stock and other property belonging to the county, used in and about the public roads and bridges, as in their judgment may seem best. They shall have the power and authority to sell or exchange any property belonging to the county, and to employ such road and bridge laborers as may be required or deemed necessary for the working, building, repairing, grading, construction and maintaining of the roads and bridges of the county. Said court may authorize either the superintendent of roads and bridges or the road foremen to employ laborers on the roads and bridges of the county.

Sec. 10. That the time herein required for work on the public roads shall not include the time in opening up and grading new roads in the county; and every person subject to road duty is required on one day's warning in writing or personal notice to assist in opening up and grading all new roads any part of which is within three miles of their residence; and any person who fails to assist as provided in this section shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than fifty dollars, and the fine when collected must be paid to the county treasurer and placed by him to the credit of the road fund.

Sec. 11. That the court of county commissioners is hereby vested with full power and authority to work the convicts of Coosa county and such other convicts as they may be able to contract for, upon the roads and bridges of said county in

such manner as they may deem best and to provide for the necessary medical attention, maintenance, equipment, tents, cages, paraphernalia and guards for their safe-keeping and support.

Sec. 12. The court of county commissioners shall have full power and authority to make any order that they may deem wise and proper for the benefit of the public roads and bridges of the county not inconsistent with the general laws of the State and the provisions of this act.

Sec. 13. Nothing in this act shall be construed to prohibit or prevent the court of county commissioners from contracting with any person or persons, and in such manner as they may deem best for the building or repairing of bridges, or for the building, working or maintaining of any road or roads or any part thereof.

Sec. 14. It shall be the duty of the court of county commissioners to divide the county into road districts, which shall not be less than four in number, and to employ a road foreman for each district, nominated or appointed by the superintendent of roads and bridges. Said foreman shall have the control and direction of the road gangs of their districts and be under the direction of the superintendent of roads and bridges. Their compensation shall be fixed by said court and shall be paid in monthly installments for their services in the same manner as the superintendent of roads. Such foreman must have had experience in the building and maintaining of roads. Such foremen shall hold office at the pleasure of the superintendent of roads and they may be removed at any time by him or by the commissioners court and their service and compensation may be discontinued by said court for as many months in each year as may be deemed advisable by said court of county commissioners.

Sec. 15. The grades of public roads shall be such as now provided by general law.

Sec. 16. It shall be unlawful for any person not employed in working the roads to plow or dig into any public road or to obstruct same, or the ditches on either side thereof, by placing therein stones, brush, lumber or debris of whatever kind or to plow into said ditches or roads. It shall also be unlawful for any person to interfere with the drainage from said roads or ditches by stopping up the drains from same or by turning water into the ditches that does not come from the road bed. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined

not less than five nor more than one hundred dollars. However the superintendent of roads shall have the right to permit any person to turn water into the ditches, but such permission must be in writing, and such authority from him shall bar a prosecution for a violation of the provisions of this section.

Sec. 17. No person shall be exempt from road duty on account of physical disability unless he shall procure from the court of county commissioners of said county a certificate of such disability; and the court of county commissioners shall not grant a certificate of physical disability if the applicant owns as much as three hundred dollars of personal or real property or both.

Sec. 18. The road year of Coosa county shall begin on the first day of January in each year and end on the 31st day of December succeeding.

Sec. 19. All fines and forfeitures paid for the violations of any of the provisions of this act shall be paid by the court or officer collecting same into the county treasury which shall be placed to the credit of the road fund; and no part of same can be applied otherwise by the court or officer collecting same.

Sec. 20. It shall be the duty of the road foremen to work and control the gang in their charge, and to build, maintain and repair the roads and bridges in their districts as they may be directed by the superintendent of roads and bridges. The road foremen shall also warn all road hands apportioned to them or to their road districts, liable for road duty, giving the warning as required by this act. It shall be his further duty to see that all road hands under his control faithfully and diligently perform their work and to require of each of them ten hours of actual service on the road each day. The road foremen shall make out a sworn and itemized statement each month to the superintendent of roads and bridges, and a copy thereof for the court of county commissioners, said report being made on the first of each month, showing the amount of work he has done for the past month, and on what roads, and a list of the persons working under him during that time showing which are pay laborers and which are working to discharge their road duty.

Sec. 21. The mode of warning road hands is for the road foreman or some one appointed by him to give one day's notice in writing to such road hands, notifying him to appear at such time and place as may be therein mentioned and may require and summon or warn each hand to bring such tools as

may be necessary to work on any road, which may be served on him in person or left at his residence. Such warning is sufficient for opening or working new roads of the county.

Sec. 22. All persons arriving at the age of road duty during the year, or who moves into the county during the year, may relieve themselves from road duty by paying to the tax collector within thirty days after they arrive at the age of road duty, or come into the county a pro rata amount due for the remainder of the year, calculated upon the basis of seven and one-half dollars per annum.

Sec. 23. Any person arriving at road duty age during the year, or who comes into the county during the year, and fails to relieve himself of the liability for road duty as provided in section 22 of this act, shall be apportioned and warned to work the roads in the same manner as other road hands; provided that he shall only be required to work the pro rata number of days calculated upon the same principle as the monetary discharge provided for in the preceding section. Provided, that any person who has discharged his road liability in any other county of the State for the current year shall not be subject to road duty in this county provided he can produce a certificate from the judge of probate of the county from which he moved showing that he has either worked ten days on the public roads, or that he has paid his annual road tax in lieu thereof.

Sec. 24. The court of county commissioners is hereby vested with full and complete power and authority to change or alter the course of the public roads of Coosa county, to open and establish new roads, to discontinue any roads now public when in their judgment it should be done; and said court is given power and authority to purchase and pay for the right of way or easement of any new road, that they may deem necessary to obtain or secure. Any new road may be opened without first on order of the court where there is no objection thereto by the owners of the lands over which it will pass, and an order may be made by said court at any subsequent term declaring and ordering that same be a public road of the county.

Sec. 25. Any person who has been duly warned to work the roads, and fails or refuses to work same as prescribed by this act, without legal cause or excuse, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars, and when fine is collected it must be turned in immediately to the county treasurer who shall place same to the credit of the road fund of the county.

Sec. 26. That it shall be the duty of the road foreman and of the superintendent of roads and bridges with whom the defaulter was warned or was working, to prosecute such defaulter before any court in Coosa county having jurisdiction of the case. The justice of the peace courts of Coosa county shall have the power and authority to try all cases for failing to work the public roads and on public bridges in their respective beats, which shall be concurrent jurisdiction with circuit and county courts for Coosa county.

Sec. 27. It shall be the duty of each commissioner, immediately after the first day of February of each year, to prepare a list of all persons residing in his district who have failed to pay the tax collector the sum of seven and one-half dollars as a discharge of liability for road duty for that year, and to apportion them to the roads in the road district in which they reside; provided that no person shall be required to work upon a road every part of which is more than six miles from his place of residence. Copies of such apportionment shall be furnished to the superintendent of roads and bridges who shall notify the road foreman to warn said road hands to work the roads to which they are apportioned at such times as he in such notification may designate; provided further that no person shall be required to work the roads for more than two days in any one week during the months of April, May and June, but for any other month the road hands, at the discretion of the road foreman or superintendent of roads, may be required to work ten consecutive days on the roads or bridges at one warning.

Sec. 28. That the money collected in the several road districts of the county shall be applied to the working, grading, constructing, building and maintaining the public roads and bridges in that district, provided, however, that each road district shall bear its proportion of the expenses in buying the teams, livestock, road machinery, and bridge material bought for the public roads and bridges of the county.

Sec. 29. Immediately after the first day of February in each year the tax collector shall file with the judge of probate an alphabetical list, according to road districts, of all persons paying to him seven and one-half dollars in lieu of work on the public roads for the current year together with a statement of the amount collected by him. It shall be the duty of the tax collector to pay over to the county treasurer immediately all moneys collected by him under the provisions of this act which shall be placed in the county treasury to the credit of the road

funds. The tax collector, for his services, shall receive one per cent of the amount collected by him under the provisions of this act.

Sec. 30. The court of county commissioners is hereby authorized and empowered, and it is their duty to do so, to appropriate from the general funds to the road and bridge fund, such sums as they may see fit, taking into consideration the general expenses of the county and the demands liable to be made upon the general fund.

Sec. 31. Any person who is liable for road duty under the provisions of this act, may discharge such liability by paying to the tax collector of Coosa county, the sum herein provided for on or before the last day of February of the year for which he is liable for road duty, and not afterwards. Said amount may be paid at any time after the first day of October preceding. The tax collector shall issue to him a receipt furnished by the court of county commissioners stating his full age and the road district in which he resides and the road year for which he has discharged his liability for road duty.

Sec. 32. That all the fine and forfeiture funds now in the county treasury or that may hereafter be paid into said county treasury to the credit of the fine and forfeiture funds are hereby transferred to the credit of the road fund of said county. Provided however, the holder of claims against the fine and forfeiture fund of said county is entitled to priority of payment against said funds if the claim is presented to the county treasurer of said county within one hundred and twenty days after the approval of this act, and within ninety days in the future after said money is paid into said treasury.

Sec. 33. The court of county commissioners is hereby given the power and authority to appoint a suitable person, residing in each road district to take a census of the citizens in said districts subject to road duty and report same to commissioners court at any time they may direct. The census takers are empowered to administer the oath to each person touching his age and liability for road duty and all persons are required to answer such questions as may be propounded to them by the census takers. Said court may fix the compensation of the census enumerators, not to exceed two and one-half dollars per day. Said court may direct the taking of the census for the purposes herein named as often as they may deem proper not to exceed, however, once a year.

Sec. 34. The provisions of this act shall become operative and go into effect immediately after its approval.

Sec. 35. That all laws and parts of laws, special, local or general, in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 19, 1915.

No. 129.)

(H. 674—Kyser.

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AN ACT

To provide for and regulate the pay of State witnesses before the grand jury, circuit, law and equity and county courts of Monroe county, and to repeal all laws in conflict herewith.

*Be it enacted by the Legislature of Alabama:*

1. That from and after the passages of this act, witnesses summoned and attending on behalf of the State, in all criminal cases in the circuit, law and equity, and county courts of Monroe county, on or before the grand jury in said county, shall be allowed one dollar per day; also two and one-half ( $2\frac{1}{2}$ ) cents for each mile, to and from their residence by the usual traveled route, and the actual ferriage; but if the witness attends in more than one case on the same day, he shall be entitled to compensation in one case only.

Sec. 2. That after the trial or continuance of the case for the term, or the discharge of the witness by the court, or the grand jury, the clerk of the court or the foreman of the grand jury, shall issue to him a certificate stating the number of days that he has attended, the case in which he attended, the number of miles traveled, the amount of actual ferriage paid, and the total amount due him. When the grand jury is discharged the foreman must furnish the clerk of the circuit court a certified list of all certificates issued by him, showing to whom issued and the amounts due each one.

Sec. 3. That immediately after the adjournment of the court for the term, the clerk of the circuit court shall enter in a book to be kept for the purpose, a certified list of all the certificates issued by him and the foreman of the grand jury during the term, showing to whom issued, the case in which he attended, and the amount due him. For making said list the clerk of the circuit court shall receive two cents for each certificate so entered in said book to be paid by the county. Upon the completion of said list, the said book shall be delivered to the county treasurer to be kept by him.

Sec. 4. That it is hereby made the duty of the county treasurer to pay each of said certificates on its presentation by

the said owner thereof, and to take up and cancel each one as it is paid, and also mark it paid in said book. The said county treasurer is hereby authorized and directed before each term of said circuit court, or any other court to retain out of the general fund of said county an amount sufficient to pay said certificates herein provided for.

Sec. 5. Whenever the cost in any criminal case in said courts is imposed on the defendant or prosecutor, or foreman of the grand jury, the fees of the witnesses for the State shall be taxed as costs against him, and be collected with other costs taxed against him as now provided by law; and when said witness fees are so collected they shall be paid by the officer collecting the same through the county treasurer.

Sec. 6. That it shall be the duty of the treasurer of said county to transfer any and all funds now in his hands or that may hereafter accrue to the fine and forfeiture fund of said county, to the general fund of said county.

Sec. 7. That the fees of the circuit clerk, or clerk of any other court in said county, and the sheriff of said county in cases where the State fails to convict, or where a nolle prosequi is entered, or where an indictment is withdrawn and filed, shall be fifty per centum (50%) of the fees allowed by law.

Sec. 8. That the fees accruing to the sheriff and clerks, or provided by section seven (7) of this act, shall be paid out of the general fund of said county, as other claims are paid, and when audited and allowed by the court of county commissioners or board of revenue shall be preferred in the same manner, as is provided for the payment of witnesses.

Sec. 9. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 24, 1915.

No. 134.)

(H. 187—Blackwell.

### AN ACT

To provide for the appointment of a hard labor agent for Calhoun county and for his compensation, and to regulate the collection, application and disbursement of the proceeds of the hire of convicts heretofore and hereafter sentenced to hard labor in the county of Calhoun.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the commissioners court of Calhoun county may appoint a hard labor agent and provide for such compensation for him as it may deem proper.



Sec. 2. That the proceeds of the hire of all convicts heretofore and hereafter sentenced to hard labor for the county of Calhoun shall be paid directly, or intermediately through the hard labor agent, as may be determined by the contract with the hirer, to and received by the clerks of the courts by which such convicts were or may hereafter be respectively sentenced.

Sec. 3. That the clerks of the courts of said county upon receiving any sum of money as proceeds of the hire of convicts sentenced to hard labor for the county by such courts shall enter the receipt of the sum so received in such case on his fee book kept by such clerks.

Sec. 4. That the clerks of the courts of said county who have on hand or shall hereafter receive the proceeds of the hire of convicts heretofore or hereafter sentenced to hard labor for the county shall apply the first proceeds of the hire of each convict to the payment of such items of the costs of conviction in his case or cases, if sentenced in more than one case, as such convict has been or shall be sentenced to an additional term or terms of hard labor for the county to pay, until such items are paid in full, provided, however, that the proceeds so applied shall not exceed the amount earned by such convict during the period equal to the length of his sentence for costs, if sentenced in more than one case; provided further, that no part of sentence for county shall be applied to the payment of any costs.

Sec. 5. That the balance of the proceeds of the hire of all convicts heretofore or hereafter sentenced to hard labor for said county after paying in full the items of costs as provided in section four of this act, shall by such clerks be paid to the county treasurer as in cases of fines collected by such clerks, who shall receive and apply the same according to law.

Sec. 6. The clerks of the courts shall not be required to pay out any part of the costs for the payment of which section four provides until they have received a sufficient sum to pay all of such costs, unless the convict dies, escapes or is paroled or pardoned or his term of sentence expires, before the proceeds of his hire are sufficient in amount to pay such costs in full. But in the event a convict dies, escapes, or is paroled or pardoned, the proceeds shall be applied by the clerk receiving the same pro rata to the payment of all such costs, and shall be distributed by him on the demand of the person legally entitled thereto.

Sec. 7. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved April 5th, 1915.

No. 135.)

(H. 350—White.

## AN ACT

For the relief of T. H. Roberson, county superintendent of education of Franklin county, Alabama, reimbursing him in the sum of ninety-six and 18/100 dollars, overpayment to teachers of the public schools of said county on school contracts during the year 1914.

*Whereas*, in the year 1914 T. H. Roberson, county superintendent of education of Franklin county, Alabama, paid out to the teachers of the public schools of Franklin county, Alabama, on contracts made by the board of education of said county with the public school teachers of said county an amount in excess of the amounts apportioned to the public schools of said county in the sum of ninety-six dollars and eighteen cents, and the said T. H. Roberson paid said excess out of his own funds, and the public schools of Franklin county, Alabama, received the benefit of said excess and overpayment of the apportionment to said schools, therefore, be it enacted by the Legislature of Alabama, that the court of county commissioners of Franklin county, Alabama be and they are hereby authorized and required to make an order on their minutes to reimburse said T. H. Roberson said amount of overpayment, and to draw a warrant on the county treasurer of said county for said sum, of \$96.18, payable out of any money in the treasury of Franklin county, Alabama, not otherwise appropriated.

Approved April 1, 1915.

No. 136.)

(H. 600—Espey.

## AN ACT

To repeal an act to provide for the construction, repairing, working and maintaining of the public roads of Henry county, Alabama, and to provide for the levying of a special property, and per capita tax for same, and for the punishment of defaulters, approved August 9th, 1907.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act to provide for the construction, repairing, working and maintaining of the public roads of Henry county, Alabama, and to provide for the levying a special property tax and per capita tax for same, and for the punishments of defaulters, approved August, 9th, 1907, be and the same is hereby repealed.

Approved March 1st, 1915.

No. 137.)

(H. 570—Johnston of Madison.

## AN ACT

To repeal an act entitled "An act to prevent the mayor and aldermen of the city of Huntsville or any other person from interfering with the fence around the county court house, except by the unanimous consent of the court of county commissioners," approved December 14, 1898.

*Be it enacted by the Legislature of Alabama:*

That an act entitled "an act to prevent the mayor and aldermen of the city of Huntsville or any other person from interfering with the fence around the county court house, except by the unanimous consent of the court of county commissioners," which act was approved on the 14th day of December, 1898, be and the same is hereby repealed.

Approved April 5, 1915.

No. 141.)

(H. 452—Neely.

## AN ACT

To ratify and confirm the action of the court of revenues of Lawrence county, Alabama, in allowing and ordering the issuance of county warrants, to F. M. Carruth for the sum of \$99.00, to J. M. Houston \$6.00, to Jackson Windham \$214.50, to J. C. Hames \$24.00, to Rome Pickens \$87.00, to W. V. Prenit \$64.50, to J. N. Sheets \$99.00, to E. B. Harris \$78.00, and to J. C. Kumpe \$253.62 and to authorize and direct the county treasurer of Lawrence county to pay such warrants.

*Whereas*, the court of revenue of Lawrence county, allowed and ordered the issuance of county warrants to F. M. Carruth for \$99.00, to J. M. Houston for \$6.00, to Jackson Windham for \$214.50, to J. C. Hames for \$24.00, to Rome Pickens for \$87.00, to W. J. Prenit for \$64.50, to J. N. Sheets for \$99.00 and to E. B. Harris for \$78.00 the said Carruth, Houston, Windham, Hames, Harris, Pickens, Prenit, and Sheets being members of the court of revenue of Lawrence county and the said several allowances to them being for road service; and

*Whereas*, the said court of revenues of Lawrence county ordered the issuance of a county warrant to J. C. Kumpe, probate judge of Lawrence county, for the sum of \$253.62 which allowance was for money expended by him for telephone service and fuel furnished by him for the court house; and

*Whereas*, the examiner of public accounts in checking up the accounts of the officers of Lawrence county, charged the

respective amounts above stated to the said officers and the same were by them paid back into the treasury of Lawrence county; and

*Whereas*, the grand jury of Lawrence county, at the December term 1911 recommended and reported that said several amounts be paid back to the said officers out of the county treasury of Lawrence county, Alabama, and

*Whereas*, in accordance with such recommendation of said grand jury the court of revenues of Lawrence county ordered that warrants issued for the payments of the amounts above set out; and

*Whereas*, the treasurer of Lawrence county has refused to pay said warrants.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the act of the court of revenues of Lawrence county, Alabama, in allowing and ordering the issuance of county warrants to F. M. Carruth for \$99.00, to J. M. Houston for \$6.00, to Jackson Windham for \$214.50, to J. C. Hames for \$24.00, to Rome Pickens for \$87.00, to W. V. Prenit for \$64.50, to J. N. Sheets for \$99.00, to E. B. Harris for \$78.00, and to J. C. Kumpe for \$253.62 which said warrants were ordered issued at a regular term of said court held for Lawrence county on the 4th day of November, 1912, be ratified and confirmed.

Sec. 2. *Be it further enacted*, That the county treasurer of Lawrence county be and he hereby is ordered and directed to pay said warrants out of the general funds of the county.

Approved March 24, 1915.

No. 147.)

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AN ACT

(H. 186—Blackwell.

To amend an act, entitled an act to provide for an official short-hand reporter for the city court of Anniston and the circuit court of Calhoun county; to prescribe the term of office and duties of such reporter and to fix his compensation, approved August 26th, 1909.

*Be it enacted by the Legislature of Alabama:*

Section 1. That section (1) one of said act be amended so as to read as follows: Section 1. There is hereby created the office of official short-hand reporter of the city court of Anniston, and of the circuit court of Calhoun county which official reporter shall be appointed by the judge of the city court of

Anniston, for a term of four years, and shall be subject to removal for good cause shown to the said judge. Said reporter shall be a sworn officer of the courts and must make oath before the judge appointing him as follows: "I do solemnly swear that I will faithfully and truly perform the duties of the office of the short-hand reporter to the best of my ability, so help me God," which oath shall be in writing and shall be filed with the clerk of the city court of Anniston.

Sec. 2. *Be it further enacted*, That section (6) six of said act be amended so as to read as follows: Section 6. That all cases tried on oral testimony in said courts shall be reported, unless otherwise directed by the court and a minimum fee of three dollars shall be taxed up as a part of the cost of each case reported. Said fee of three dollars shall be taxed for each day or fraction of a day on which the cause is on trial, and shall be taxed and collected as other costs in the case, and when collected shall be paid over to the treasurer of said Calhoun county.

Approved April 5, 1915.

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No. 149.)

(H. 625—Smith of Crenshaw.

### AN ACT

To amend sections one, two and three of an act approved March fourth, nineteen hundred and three entitled an act to provide for the election of a solicitor for Crenshaw county by the qualified electors of said county and to define his duties.

*Be it enacted by the Legislature of Alabama:*

That section one of an act approved March fourth, 1903, entitled an act to provide for the election of a solicitor for Crenshaw county by the qualified electors of said county and to define his duties, be amended so as to read as follows: Section 1. That at the general election in November, 1904, and every four years thereafter, there shall be elected by the qualified electors of Crenshaw county, a solicitor for the county court in the same manner as the other county officers are elected, whose term of office shall be four years from the first Monday after the second Tuesday of January next after his election. Such solicitor shall be learned in the law, and shall at the time of

his election be a citizen of said county, and shall remain so during his term of office or he vacates his office. It shall be the duty of said solicitor to attend upon each term of the county court or upon each term of the court that may hereafter be established in lieu of said county court, and to represent the State in all cases or matters coming before said court. It shall also be his duty to prepare complaints in cases coming before said court. It shall also be his duty to represent the State in all preliminary trials had in the beat in which the court house is located, as well as to represent the State in all habeas corpus proceedings had at the county seat of said county wherein the defendant is held on a criminal charge. It shall be a misdemeanor for said county solicitor or his partner to represent a defendant in any of the courts of said county of Crenshaw wherein the said defendant is charged with the violation of any of the criminal laws of the State. Said solicitor before entering upon his duties, shall take the oath of office prescribed by law for other county officers, which said oath shall be filed and recorded in the office of the judge of probate of said county. *Be it further enacted by the Legislature of Alabama, That section (2) of said act be amended so as to read as follows: That in each conviction in said county court or other court that may hereafter be established in lieu of said county court there shall be taxed against the defendant the same fees as are now taxed or that may hereafter be taxed by law in similar cases in the circuit courts of the State, and said fees when collected shall be paid to the county treasurer of said county, who shall make a record of the same and place said fees in the general fund of the county, and they shall become a part of the general fund.* *Be it further enacted by the Legislature of Alabama, That section (3) of said act be amended so as to read as follows: That the salary of said county solicitor shall be one thousand dollars per annum, payable monthly out of the general fund of said county and said salary shall be a preferred claim. The judge of probate shall draw a warrant each month on the county treasurer for said monthly payment and said warrant shall be a valid voucher in the hands of the county treasurer.* *Be it further enacted by the Legislature of Alabama, that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.* *Be it further enacted by the Legislature of Alabama, that this act shall go into effect immediately upon its approval by the Governor.*

Approved April 3, 1915.

No. 154.)

(H. 478—Morris.

## AN ACT

To abolish the office of county treasurer of Dale county, Alabama, and to provide for the keeping and disbursing of all county funds in some bank, or banks, to be designated by the court of county commissioners and to require said bank or banks to give bond for the faithful performance of services.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of county treasurer of Dale county, Alabama, be and the same is hereby abolished.

Sec. 2. That the court of county commissioners of Dale county, Alabama, is hereby authorized and empowered to designate one, or more banks in said county as the depository of all county funds, and shall have power to contract with such bank to perform all the duties now or hereafter required by law to be performed by the county treasurer, but shall not pay such bank anything for such services, but shall obtain from such bank or banks the best rate of interest, on monthly balances in bank to the credit of the county, that can be obtained consistent with safety. That such bank or banks as are designated depositories of county funds shall be required to enter into bond with good and sufficient sureties in such an amount as may be determined by the court of county commissioners and said bond or bonds shall be filed in and recorded by and approved by the judge of probate of Dale county, Alabama.

Sec. 3. That the said court of county commissioners of Dale county, Alabama, is required to publish one time in a newspaper published in Dale county, Alabama, the name or names of all banks designated as depositories of county funds and the arrangements made with any bank or banks.

Sec. 4. It shall be the duty of the probate judge or other officer authorized by law to draw warrants on the county treasurer, to keep a well bound book, "County Cash Book," or register in which shall be kept an account with every bank in which county funds are deposited showing the correct dates, amounts, from what source derived and name of the person or officer by whom it was deposited.

Sec. 5. It shall be the duty of every person or officer desiring to deposit money into the county treasury to present duplicate deposit slips to the judge of probate, or officer authorized to draw warrants on the county treasurer, who shall retain one signed by the person about to make the deposit and enter

upon the other (\$.....).....dollars charged to the.....bank, .....191.....and sign his name thereto, and without a deposit slip with this entry on it, date and properly signed, no bank shall receive any money to be placed to the credit of the county.

Sec. 6. Whenever any warrant is properly drawn on a bank acting as county treasurer, it must be before delivery be entered in the account of the bank on which it is drawn, in the county cash book or register, and these accounts must show at the close of business every secular day the amount to the credit of the county in every bank in which county funds are deposited.

Sec. 7. This act shall not take effect until the expiration of the term of office of the present county treasurer of Dale county, Alabama.

Sec. 8. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved April 30, 1915.

No. 156.)

(H. 666—Brown of Etowah.

#### AN ACT

To provide for the appointment of a highway commission for Etowah county and to empower them to expend the proceeds which may arise from the sale of bonds in the sum of \$200,000.00 authorized by the election in November, 1914, for building public roads and bridges for said county, prescribe their powers and duties in relation thereto and their compensation.

*Be it enacted by the Legislature of Alabama:*

Section 1. That on and after the passage of this act the Governor of Alabama shall appoint three fit and suitable persons who shall be resident citizens and property holders of Etowah county, as highway commissioners of Etowah county, who shall hold office for four years and until their successors shall be appointed and qualified, one of whom shall be designated by the Governor chairman of the highway commission for said county and the others associate highway commissioners. Said commissioners, before entering upon their duties, shall be sworn by the probate judge of said county to faithfully perform the duties imposed upon them by law to the best of their ability.

Sec. 2. After the sale of the bonds authorized at a special election in Etowah county in November, 1914, in the sum of



\$200,000.00 for the building of public roads and bridges which was called by the board of county commissioners of said county or any part thereof, the highway commission herein provided for shall as far as possible determine the roads and bridges to be built or improved by the proceeds of sale of said bonds and they shall employ a competent road engineer to make all necessary surveys, plans and estimates of cost of the building or repairing such roads as they may determine to build or improve, and the roads selected for improvement shall be made thoroughfares and selected without prejudice or partiality to any section or locality, but having in view the general interest of the people at large of the county.

Sec. 3. The commissioners shall divide the roads to be built into suitable sections and have the road engineer employed by them to make accurate surveys, plans and specifications of the work to be done on each section, the material to be used, establish all grades, provide for all necessary drainage, culverts and bridge material to be used and manner of construction, and such plans and specifications must be approved by the commission before calling for bids or work begun on any section.

Sec. 4. As soon as the money from the sale of the bonds is available, the commission must advertise for bids for the construction for each section separately, reserving in all cases the right to reject any and all bids, and make such rules and requirements as to the bidding and letting of contracts as they may deem wise, having in view always free competitive bidding and they may require of all persons to whom contracts may be let such security as they may deem proper. If a satisfactory bid is received for any section of the work, they shall enter into a contract with the bidder for the work according to the plans and specifications adopted for the work and the work must be done under the direct supervision of the road engineer employed by them, and payments therefor shall be made monthly on estimates of the engineer, in all cases reserving not less than 20% of each estimate until the final completion and acceptance of the work. All work shall be done by contract on competitive bidding, provided that if no bid for any work proposed can be secured at a reasonable price the commission may reject all bids and employ labor, and buy the necessary material and tools and machinery to do the work themselves under the supervision of the engineer employed by them. In all cases they shall require all work to be done under the personal supervision of a competent road builder, and they shall as far as may be avail themselves of the advice and information which may be available

from the State highway department in the prosecution of their work.

Sec. 5. The board of county commissioners of Etowah county as fast as the bonds are sold shall place the proceeds with the county treasurer or other designated depository of the money of the county to the credit of the highway commission, and the general bond of such treasurer or depository to the county shall be security for the faithful keeping of the same. The treasurer shall pay out said funds only upon the warrants drawn thereon signed by the chairman of the highway commission countersigned by the two associate commissioners and in all cases the warrant must state for what purpose it is drawn and said warrants must be numbered consecutively and a stub bearing the corresponding number of each warrant issued, the date, to whom and for what issued shall be retained by the chairman of the highway commission. The chairman must keep copies of all contracts and a copy of each contract shall be filed with the probate judge of the county. The commission shall keep such books as may be necessary to show a complete record of all their transactions, and once every three months they shall file with the probate judge of the county an itemized statement showing all moneys paid out by them and for what purpose. All estimates on which money is paid out must be carefully preserved and upon the completion of any contract they shall be filed for safe keeping with the probate judge of the county and upon the entire completion of the work of the commission all their books, papers and records shall be filed with the probate judge of the county for safe keeping.

Sec. 6. The commission shall have authority to employ such engineers, inspectors, laborers as they may deem proper, fix their salary or wages, reserving the right at all times to discharge all employees when they are no longer desired, contract for teams and material for the work to be done, and generally do all things necessary and proper for the proper performance of their duties herein imposed. No right of way for road already established shall be changed except the same be authorized by the board of county commissioners of the county, and all changes in right of way or new right of way must be provided by the county commissioners in the manner now provided by law, and contracts for work when changes in right of way or new right of way are required shall not be made until such rights of way are furnished.

Sec. 7. Two members of the commission shall constitute a quorum for the transaction of business and the affirmative vote

of two of the commission shall be necessary to decide any question.

Sec. 8. The members of the commission shall receive no compensation for their services other than their actual expenses incurred in the performance of the duties herein prescribed. Such expenses shall be paid out of the bond fund on warrants drawn by them as above provided.

Sec. 9. Before any contract is let to a contractor, the highway commission of Etowah county shall require each contractor to enter into bond payable to the county of Etowah in a sum equal to one-half of the whole price of the work to be done by such contractor with conditions that the contractor will faithfully execute and complete the work according to the contract and specifications therein. The bond shall be made by a guaranty company as surety, and shall be approved by the judge of probate and filed and recorded by him.

Sec. 10. That before the members of said commission shall be empowered to perform the duties provided for herein, after their appointment as such, they shall enter into bond payable to the county of Etowah in the separate sum of five thousand dollars, conditioned for the faithful performance of the duties herein prescribed, and for the proper expenditure of the funds herein provided, and placed under their supervision for disbursement. Said bond or bonds to be in some authorized bonding company the premiums thereon to be paid out of the fund as their actual expenses are provided to be paid, and as part of the actual expenses incurred in the performance of the duties herein prescribed, said bond to be approved by the judge of probate of said county, and filed with said judge of probate for safe keeping.

Approved February 24, 1915.

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No. 157.)

(S. 342—Bell.

AN ACT

To repeal an act entitled "An act to provide for the working, repairing, maintaining, and improving of the public roads of Pickens county, Alabama."

*Be it enacted by the Legislature of Alabama:*

1. That an act entitled "an act to provide for the working, repairing, maintaining and improving of the public roads of

Pickens county, Alabama," approved March 4th, 1907, be and the same is hereby repealed.

2. All laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 24, 1915.

No. 158.)

(H. 550—Blunt.

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AN ACT

To amend section 2 of an act approved February 3rd, 1899, entitled "An act to better provide for the payment of State witnesses in the county of Washington."

*Be it enacted by the Legislature of Alabama:*

That section 2 of an act approved February 3d, 1899, entitled an act to better provide for the payment of State witnesses in the county of Washington, be amended so as to read as follows: Section 2. Be it further enacted that witnesses subpoenaed on behalf of the State to attend the circuit or county courts of said county in criminal cases or to appear before the grand jury of said county, shall be entitled to one dollar and fifty cents per day, and five cents per mile to and from their residence by the usual traveled route, and all necessary ferriages and tolls, such compensation to be paid out of the appropriation made by the court of county commissioners, as provided in section 1 of this act, upon the certificate of the clerk showing the amount of compensation to which the witness is entitled, which certificate shall be receivable in payment of county taxes and other county dues.

Approved March 24, 1915.

No. 161.)

(H. 701—Bradshaw.

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AN ACT

To repeal "An act to better provide for the establishment and working of the public roads in Lauderdale county, Alabama," approved Feb. 15, 1901.

*Be it enacted by the Legislature of Alabama:*

That "an act to better provide for the establishment and working of the public roads in Lauderdale county, Alabama," approved February 15, 1901, be, and the same hereby is repealed.

Approved March 8, 1915.

No. 162.)

(H. 675—Kyser.

## AN ACT

To abolish the fine and forfeiture fund of Monroe county, and to provide for the payment of all outstanding valid claims against the said fund, and to repeal all laws in conflict herewith.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the fine and forfeiture fund of Monroe county, is hereby abolished.

Sec. 2. That hereafter all moneys which under existing laws, or laws hereafter enacted, are payable into the fine and forfeiture fund of Monroe county, shall, from and after the passage of this act, be paid into the general fund of said county.

Sec. 3. That this act shall take effect immediately upon the going into effect of an act providing for the payment of claims against the fine and forfeiture fund of said county.

Approved March 8, 1915.

No. 163.)

(H. 453—Neely.

## AN ACT

“For the relief of James T. Masterson, as former sheriff of Lawrence county, Alabama, and to authorize and empower the court of revenues of Lawrence county, Alabama, to allow him the amount hereinafter stated.”

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of revenues of Lawrence county, Alabama, is hereby authorized and empowered to order a warrant drawn on the county treasurer of Lawrence county, Alabama, in favor of James T. Masterson as former sheriff of said county for the sum of one hundred and seventy-five dollars, or so much thereof as it may seem proper and just, to reimburse the said James T. Masterson for house rent paid by him, and other expenses incurred during the construction of a new jail for said county while he was sheriff.

Sec. 2. *Be it further enacted,* That the county treasurer of said county, is hereby authorized and required to pay such warrant that may be issued to said James T. Masterson, by said court of revenues.

Approved March 8, 1915.

No. 176.)

(H. 688—Griffin.

## AN ACT

To amend sections 6, 8, 13, 14, 15, 16, 20, 26, and 27 of an act entitled "An act to create and establish the Marengo law and equity court for Marengo county," approved August 26, 1909, and to amend section 12 of an act approved March 29, 1911, entitled "An act to amend an act entitled an act to create and establish the Marengo law and equity court for Marengo county approved on the 26th day of August, 1909."

*Be it enacted by the Legislature of Alabama:*

Section 1. That section 6 of an act entitled "an act to create and establish the Marengo law and equity court for Marengo county" approved August 26, 1909, be amended so as to read as follows: Section 6. That the present clerk of the circuit court of Marengo county be and he is hereby constituted and appointed clerk of said Marengo law and equity court, and shall hold said office until the next regular election for State officers in the year 1916, and until his successor is elected and qualified, as herein provided. That at said general election for State officers in 1916, and every six years thereafter, a clerk of said court shall be elected by the qualified voters of said Marengo county, said clerk so elected to hold office for a term of six years and until his successor is elected and qualified, the term of office of said clerk to commence on the same date as clerks of the circuit courts of this State; and vacancies in the office of clerk shall be filled by the appointment of the Governor of Alabama, and such appointee shall hold office for the unexpired term of his predecessor and until his successor is elected and qualified. Such clerk may be removed from office for such causes and in such manner as is or may be provided by law for the removal of clerks of the circuit courts of the State. Before entering upon the performance of the duties of his office, such clerk shall give bond, with sufficient sureties, in such sum as the judge of said Marengo law and equity court or the probate judge of Marengo county may require, not less than five thousand dollars, payable to the State of Alabama, and conditioned faithfully to discharge the duties of his office during the time he continues therein or discharges any of the duties thereof, which bond must be approved by the judge of said Marengo law and equity court or such judge of probate of Marengo county, and filed and recorded in the office of the judge of probate. Such clerk shall have all of the powers and shall be required to perform all of the duties, and shall be subject to

all of the penalties and liabilities in said court, as are imposed on and required of clerks of the circuit courts of this State in like cases, and he shall be entitled to the same fees for services in said court as clerks of the circuit courts of this State are entitled to for like services in the circuit courts of this State. The judge of said court shall adopt a seal for the law side of the docket of the Marengo law and equity court, which shall be kept in the custody and control of said clerk. The said clerk of this court shall have power and authority to grant all orders and do all things during term time of said court which the clerks of the circuit courts of the State may do in term time or vacation.

Sec. 2. That section 8 of said act be amended so as to read as follows: Section 8. That the said clerk of this court and the said register of the chancery court, who is ex-officio register of the Marengo law and equity court, must keep an office in the city of Demopolis, in the Northern Division of said court, and must appoint and keep a deputy in said office, who shall have charge of said office and keep the same open during regular business hours for the transaction of such business as may properly come before the clerk and register of said court; and the said deputy so appointed by the clerk and register of said court, respectively, shall have the same power and authority as said register and clerk, and may grant all orders and do all things, in the name of said clerk and register, as they could or should do in person, and shall be subject to the same duties and penalties as such clerk and register. Provided, that said clerk and register may, if they desire, appoint one and the same person to act as their deputy, but they are not required to do so.

Sec. 3. That section 13 of said act be amended so as to read as follows: Section 13. That there shall be two jury terms in said court each year for the trial of all causes in which jury trials are required or demanded, one to commence on the first Monday in March, and the other to commence on the first Monday in October, and each of the said jury terms may continue for four weeks. And there shall be a grand jury for each of said jury terms, the first grand jury shall be empanelled on the first Monday in March and the second on the first Monday in October of each year, and each shall continue in session until the business coming before them shall be disposed of, and such grand juries shall have power and authority, and it shall be their duty to investigate all matters and make all recommendations and do all things in said Marengo law and equity court

which are now or may hereafter be required of grand juries in the circuit courts of this State. The judge of said court shall have authority whenever he shall deem it expedient, after any grand jury has been discharged and before the summoning of the next succeeding grand jury, to be caused to be entered on the minutes an order requiring the sheriff to re-summon the persons who have last served as grand jurors in said court, which order the sheriff must immediately execute, and the persons summoned must attend and serve as grand jurors, and from the persons so attending with such others as may be necessary to supply any deficiency to be drawn and summoned as in other cases, a special grand jury must be organized, sworn and charged as in other cases, and it shall be the duty of such special grand jury to investigate such offenses as may be brought to their attention and proceed thereon as the regular grand jury. There shall be petit jurors for the trial of causes in said court at each of said jury terms, and such petit juries shall have all the power and perform all the duties in said court, which petit juries of the circuit courts of this State have and perform. And all the grand jurors and petit jurors of said Marengo law and equity court shall be subject to the same pains, penalties and punishments for any failure to perform their duties as such jurors as the grand jurors and petit jurors of the circuit courts of this State. All such grand and petit juries of said Marengo law and equity court shall be drawn, summoned and empanelled in the same manner as is now, or may hereafter be, provided by law for drawing, summoning and empanelling grand and petit juries for the circuit courts of this State, and the judge of said court shall have the same power and authority to order special venires and to draw, summon, swear and empanel tales jurors as judges of the circuit courts of this State, provided that juries for the trial of capital cases in said court shall be drawn, summoned, organized and empanelled as is now, or may hereafter be provided by law for the drawing, summoning, organizing and empanelling of juries for the trial of capital cases in the circuit courts of the State. The judge of said court shall have the power and authority to direct for what week or weeks of the jury terms petit jurors shall be summoned, and direct which of the weeks of any jury term shall be devoted to the trial of civil cases and which to the trial of criminal cases, and may direct any jury case to be heard during any week of said court. And whenever any trial is commenced before a jury and cannot be completed during the week in which the same was commenced



then such trial shall be continued into the next week, and until the case is ended. All laws relating to the qualifications, competency, exemptions, objections to, challenging, drawing, summoning, organizing, swearing and arranging of grand and petit juries and regular juries at special terms, and all laws relating to indictments, excusing jurors, objections to jurors, grand and petit juries, and to the organization of grand and petit juries, and to proceedings against defaulting jurors, and to any misconduct or neglect of duty of jurors applying to the circuit courts of this State, shall apply to the Marengo law and equity court as far as practicable and not in conflict with the provisions of this act. But nothing herein contained shall prevent the judge of said court from holding special jury terms of said court, or prevent said judge from dispensing with juries drawn for any regular term of said court, when in his opinion the public good requires. All jury terms of said court shall be held, and all causes in which a jury trial is required or demanded (whether brought in the Northern Division or the Southern Division of said court) shall be tried at the court house at Linden; provided that in all cases brought in the Northern Division of said court, in which a jury trial is required or demanded, the pleadings shall be settled and the issues made up before the judge in Chambers at Demopolis.

Sec. 4. That section 14 of said act be amended so as to read as follows: Section 14. That in cases of misdemeanors the judge of said Marengo law and equity court shall try the law and the facts without a jury, except when trial by jury is demanded by the defendant, in writing, filed with the clerk of said court, on his first appearance before the judge of said court; and in the event a trial by jury is so demanded, the case shall be placed on the jury trial docket for trial; and a failure of the defendant to demand a jury trial on his first appearance before the judge of said court, as herein provided, shall be deemed and held to be a waiver of the right to trial by jury.

Sec. 5. That section 15 of said act be amended so as to read as follows: Section 15. That the sheriff of Marengo shall be in person or by deputy, required to attend said Marengo law and equity court, preserve order and to execute its processes, and perform such other duties, in all respects, as in the chancery and circuit courts of this State; and he shall furnish all such other subordinate officers as may be necessary to expedite the business of said court, the same as he is now required to do under the laws governing him as such officer of the circuit and

chancery courts of the State. Said sheriff and his legally appointed deputies shall have all the powers and shall perform all the duties, and do all the things during term time of said court that sheriffs and their deputies in this State may do in term time or vacation; provided, that said sheriff shall be required to keep an office in the city of Demopolis, in the Northern Division of said court, and keep a deputy in charge thereof, the same as the clerk and register of said court are required to do, said office to be open for business during business hours.

Sec. 6. That section 16 of said act be amended so as to read as follows: Section 16. That all papers and files relating or pertaining to the cases, either at law or in equity, pending in the Northern Division of said court, or hereafter brought or pending therein, shall be kept in the city of Demopolis, and all other records or books relating or pertaining to the Northern Division of said court may be kept by the clerk, register and sheriff of said court in the city of Demopolis, in some proper and secure place or at the court house at Linden; and all records, books, papers and files relating or pertaining to the Southern Division of said court, or to the cases pending therein, shall be kept at the court house at Linden.

Sec. 7. That section 20 of said act be amended so as to read as follows: Section 20. That any person charged with the commission of a misdemeanor may be tried by the Marengo law and equity court upon information, and the proceedings in such cases shall be the same as now provided by law for trials upon information in the county courts under the general laws of the State; provided, that the clerk of said court, and his deputies shall have, and they are hereby given, the right, power and authority to take and receive complaints and affidavits, and issue warrants of arrest, the same in all respects as the judge of said court may do, and as the judges of county courts are authorized to do, and all such warrants of arrest shall be made returnable into and before the Marengo law and equity court, and it is hereby made the duty of the clerk of said court and his deputies, when applied to, to issue a warrant of arrest as herein provided for, and before issuing the same to consult the solicitor of said court, or his assistant, if either of them be present or accessible, in order to ascertain if the facts deposed to justify the issuance of the warrant of arrest. Appeals may be taken from convictions in said court under this section directly to the Supreme Court or Court of Appeals in the same way and in the same cases as such appeals are taken thereto from judgments of

conviction in the circuit courts of the State. Any person prosecuted under this section may, if he desires a trial by jury, demand the same in writing, filed with the clerk of said court; on his first appearance before the judge of said court and in the event a trial by jury is so demanded, the case shall be placed on the jury trial docket for trial; and a failure of the defendant to demand a jury trial on his first appearance before the judge of said court, as herein provided, shall be deemed and held to be a waiver of the right to trial by jury. It shall be the duty of the solicitor of said court to represent the State in all prosecutions under this section.

Sec. 8. That section 26 of said act be amended so as to read as follows: Section 26. That in all civil cases at law in said Marengo law and equity court, the judge thereof may set down any case for hearing on the pleadings alone, and render judgment thereon in term time or during vacation; but nothing herein contained shall prevent such judgment from being assigned as error upon an appeal taken to the Supreme Court or Court of Appeals after the first determination of said case in the Marengo law and equity court.

Sec. 9. That section 27 of said act be amended so as to read as follows: Section 27. That all misdemeanors returned by justices of the peace or other inferior courts, or appeals from such courts, to the said Marengo law and equity court shall be tried upon the complaint of the solicitor of said court filed in such cases, which complaint shall be in the form substantially as now required by law of circuit solicitors and which complaints shall be subject to amendment.

Sec. 10. *Be it further enacted by the Legislature of Alabama,* That section 12 of an act approved March 29th, 1911, entitled "an act to amend an act entitled an act to create and establish the Marengo law and equity court for Marengo county, approved on the 26th day of August, 1909," be amended so as to read as follows: Section 12. That the judge of said Marengo law and equity court shall be required to hold court in the "Southern Division" of said court, for the trial of all causes pending therein, except jury cases during the months of February, June, September and November of each year, commencing on the first Monday of said months and continuing until the business of the court is disposed of; provided, that he shall not be required to hold court in said division longer than two weeks during any one of said months, and that the judge of said court shall be required to hold court in the "Northern Division" of said county for the trial of all causes pending therein, except

jury cases, during the months of February, June, September and November of each year, commencing on the third Monday of said months and continuing until the business of the court is disposed of; provided that he shall not be required to hold court longer than two weeks during any one of said months, in said division, and provided further that no jury terms of said court shall be held in the "Northern Division" of said court, but shall be held at the court house in the town of Linden; and all cases arising or brought in the "Northern Division" of said court wherein jury trials are required or demanded shall be tried by jury at the said court house in the town of Linden; but nothing herein contained shall be deemed or taken to prevent settling of all pleadings and the making up of the issues in cases arising or brought in the "Northern Division" of said court at Demopolis, wherein jury trials are required or demanded.

Approved March 17, 1915.

No. 177.)

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AN ACT

(H. 637—Pugh.

To repeal an act entitled an act to authorize the commissioners court of Choctaw and Clarke counties to establish district in which stock may be prevented from running at large so far as said act applies to Clarke county; said act approved February 18th, 1891.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act entitled an act to authorize the commissioners court of Choctaw and Clarke counties to establish district in which stock may be prevented from running at large approved February 18th, 1891, be and the same is hereby repealed so far as said act applies to Clarke county.

Approved March 24, 1915.

No. 179.)

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AN ACT

(H. 580—Vaughan.

To make an appropriation out of the general fund of Montgomery county to pay for destroying the house on the lands of Nancy C. Williams, near Mt. Carmel, Alabama, by the sheriff of said county in discharge of his duty in making an arrest of a person charged with felony; said destruction by fire having been on or about the 14th day of May, 1911; and to require the treasurer of said county to pay said appropriation out of the fund of said county not otherwise appropriated.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby appropriated out of the general fund of Montgomery county the sum of one hundred fifty dollars to pay for destroying the house on the lands of Nancy C. Williams, near Mt. Carmel, Alabama, by the sheriff of Montgomery county in discharge of his duty in making an arrest of a person charged with felony.

Sec. 2. That the clerk of the board of revenue of Montgomery county is hereby authorized and directed to draw a warrant on the treasurer of Montgomery county for the sum of one hundred fifty dollars, payable to the order of the said Nancy C. Williams, and the treasurer of said county is hereby authorized and directed to pay said warrant out of the general fund of said county.

Sec. 3. That all laws or parts of laws, in conflict or inconsistent with this act be, and the same are hereby repealed.

Approved March 24, 1915.

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No. 236.)

(H. 967—Hardage.

AN ACT

To provide for and regulate the compensation of State witnesses in all courts of record for Covington county, exercising criminal jurisdiction, and to provide for the payment of the same.

*Be it enacted by the Legislature of Alabama:*

Section 1. That after the passage of this act, State witnesses subpoenaed and attending any court of record for Covington county, exercising criminal jurisdiction, either before the court or the grand jury, shall be entitled to one dollar per day and five cents per mile to and from their residence by the usual traveled route, such compensation to be paid by the treasurer of Covington county out of the fine and forfeiture fund of said county, upon the certificate of the clerk or the foreman of the grand jury showing the amount of compensation to which the witness is entitled.

Sec. 2. It shall be the duty of the clerk of such court to tax up the fees of State witnesses in the bill of costs against the defendant if he is convicted, or against the prosecutor, if the costs are imposed on him at the rate allowed by this act, such fees when collected to be paid by the clerk to the county treas-

urer and by him placed to the credit of the fine and forfeiture fund.

Sec. 3. That on and after the passage of this act all laws and parts of laws in conflict with the provisions of this act shall be of no effect.

Approved August 20, 1915.

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No. 238.)

(H. 740—Chamberlain.

AN ACT

To authorize and direct the court of county commissioners of Crenshaw county to audit and pay any bill for legal advertising for the county done prior to the first day of January, nineteen hundred and fifteen.

*Be it enacted by the Legislature of Alabama:*

That the court of county commissioners of Crenshaw county, Alabama, be and it is hereby, directed to audit and pay any bill for legal advertising for the county where the service was rendered prior to the first day of January, nineteen hundred and fifteen, and has not heretofore been paid.

Approved August 20, 1915.

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No. 239.)

(H. 935—Vaughan.

AN ACT

To repeal an act entitled an act to authorize the board of revenue of Montgomery county to retain and employ an attorney at law, to fix the services which said attorney at law may be required to render, and to fix his compensation therefor. Approved March 31, 1911.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act entitled an act to authorize the board of revenue of Montgomery county to retain and employ an attorney at law; to fix the services which said attorney at law may be required to render, and to fix his compensation therefor, approved March 31, 1911, be and the same is hereby repealed.

Approved August 20, 1915.

No. 241.)

(H. 919—Griffin.

## AN ACT

To amend section 1, 2, 3, 6, 7, 8, and 9, of an act entitled, an act, to establish a separate school district in and for the city of Demopolis, and the police jurisdiction thereof in Marengo county, Alabama, and to provide means to support said separate school district. Approved February 10th, 1897. And to provide means to aid in the support of the school in said district, and to provide for the election of the members of the said Demopolis school board in the Demopolis school district, and the qualifications of the members of said board.

*Be it enacted by the Legislature of Alabama:*

Section 1. That section 1 of said act, be amended so as to read as follows: Section 1. That, the corporate limits of the city of Demopolis and the limits included in the police jurisdiction of said city, in Marengo county, State of Alabama, shall constitute a school district separate and distinct from the remaining school district and parts of said districts of said county of Marengo and to be known as Demopolis school district, and to be under the control and management of a district board of education to consist of five members as hereinafter provided for.

Sec. 2. That section two of said act be amended so as to read as follows: Section 2. That the public school of said district shall be under the management and control of a district board of education, consisting of five members to be elected at the general election for county officers to be held in Marengo county State of Alabama, in the year of 1916, and every fourth year thereafter. And provided, further that the members of said district board of education shall serve without pay. Provided, further, that the following named persons shall compose the district board of education from and after the passage of this act, and until their successors are elected and qualified at the general election in 1916, as follows: N. G. Winn, President and B. J. Levy, Susie Tucker, W. T. Cocke, W. F. Herbert as associate members.

Sec. 3. That said section 3 of said act be amended so as to read as follows: Section 3. That at the general election to be held for county officers in Marengo county, and State of Alabama in the year of 1916 there must be elected a district board of education for the Demopolis school district, to consist of five members, from the qualified voters of said school district, to serve for a period of four years from their election, and until their successors are elected and qualified, and provided, fur-

ther, that every qualified elector in said school district shall have a right to vote for said members of said district board of education, and provided, further, that every four years after the year 1916, there shall be elected five members of the said district board of education, who shall serve until their successors are elected and qualified. Provided, further, that the mayor and councilmen of the city of Demopolis, Alabama, are ineligible to become members of said board of education, and that no person holding an office of profit or trust under the federal government is eligible to become a member of said district board of education, and provided further, that women are eligible to membership on the Demopolis school district board of education, who have been bona fide residents of said school district for one year next before their election. Vacancies occurring on the said district board of education shall be filled by a majority of the said board and the said appointee shall hold office until the first general election for county officers thereafter. Members of said board shall take office immediately after their election and as soon as qualified.

Sec. 6. That section 6 of said act be amended so as to read as follows: Section 6. That all children residing within said Demopolis school district, between the ages of seven and twenty-one years old, shall have the right to enter any of the public schools in said district, free of charge up to and including the third grade, provided, further, that said district board of education, in its discretion, may assess an incidental fee for non-resident children of said district as may be received as pupils in the public schools of this district upon such terms as may be prescribed by the said district school board.

Sec. 7. That section 7, of said act, be amended so as to read as follows: Section 7. That the said Demopolis district board of education shall have power and authority to use, appropriate, and disburse the school fund, for the benefit of the public schools in said public school district.

Sec. 8. That section 8 of said act be amended so as to read as follows: Section 8. That the county superintendent of education for Marengo county, shall within twenty days after he shall have received the school funds of the county pay over to the treasurer of said Demopolis school board, the share or portion of the public school fund to which the said "Demopolis School District" may be entitled under the law, and such fund shall be used only for the support and benefit of the free public schools herein authorized and established. And provided,



further that said district board of education must elect a treasurer of said board, and the said treasurer must not be a member of the said board, and the said board is hereby authorized to require bond of the said treasurer so elected, in such amount as they may deem expedient, and the said board in their discretion may pay the said treasurer so much for his services as they may deem just and expedient.

Sec. 9. That section 9 of said act be amended so as to read as follows: Section 9. That all laws and parts of laws, either general, local, or special, contrary to and in conflict with the provisions of this act be, and the same are hereby expressly repealed. This act shall take effect and become effective immediately after its passage and approval by the Governor.

Approved August 20, 1915.

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No. 242.)

(H. 577—Justice.

AN ACT

To appropriate the sum of two hundred dollars (\$200.00) to be paid to E. C. Jackson as compensation for services rendered as commercial feeding stuffs sampler during the year 1913, he not having received any compensation for official service rendered.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the State auditor is hereby authorized and required to draw his warrant upon the State treasurer in favor of E. C. Jackson for the sum of \$200.00 and the State treasurer shall pay said warrant out of any money not otherwise appropriated.

Approved August 20, 1915.

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No. 245.)

(H. 576—Justice.

AN ACT

To appropriate the sum of sixty-two and fifty one-hundredth dollars (\$62.50) to be paid to A. T. Goodwyn as compensation for services rendered as commercial feeding stuffs sampler during the year 1913, he not having received any compensation for official service rendered.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the State auditor is hereby authorized and required to draw his warrant upon the State treasurer in favor

of A. T. Goodwyn for the sum of \$62.50 and the State treasurer shall pay said warrant out of any money not otherwise appropriated.

Approved August 20, 1915.

No. 246.)

(H. 961—Pugh.

### AN ACT

To regulate the management, disposition and control of an endowment fund of ten thousand dollars given by The Sage Land and Improvement Company to the board of trustees of the high school located at Grove Hill, Alabama, to keep the building and grounds in repair and the equipment complete, the lands, buildings and equipment of said high school having heretofore been conveyed to the State of Alabama for high school purposes under the provisions of article 20 of chapter 41 of the Code of Alabama and the act approved April 8th, 1911, amendatory thereof, entitled "An act to amend sections 1861, 1862 and 1863 of the Code of Alabama." Whereas, heretofore The Sage Land and Improvement Company, a corporation, did give to the board of trustees of the high school located at Grove Hill, Alabama, an endowment fund of ten thousand dollars, to be invested and the interest thereon used to keep the building and grounds in repair and the equipment complete, and, Whereas, the board of trustees of said high school located at Grove Hill, Alabama, have heretofore conveyed the lands, buildings and equipment of said high school to the State of Alabama for high school purposes under the provisions of article 20 of chapter 41 of the Code of Alabama and the act approved April 8th, 1911, amendatory thereof, entitled "An act to amend sections 1861, 1862 and 1863 of the Code of Alabama," and Whereas, the grantor of said endowment fund and said board of trustees agreed with the high school commission to turn said endowment fund over to the management and control of the State of Alabama in connection with said lands, buildings and equipment as soon as suitable legislation could be had for the management thereof:—  
Now, therefore:

*Be it enacted by the Legislature of Alabama:*

Section 1. That the said board of trustees of the high school located at Grove Hill, Alabama, is hereby authorized to pay into the State treasury the sum of ten thousand dollars, vesting the same in the State of Alabama as trustee for the Clarke county high school, whereupon the treasurer of the State of Alabama shall give to the said board of trustees a receipt for said sum, which receipt shall operate to discharge the said board of trustees from any liability whatever with reference to said fund so long as said fund shall remain in the treasury of the State of Alabama.

Sec. 2. That the State of Alabama shall pay six per cent per annum interest on said fund to the treasurer of the Clarke county high school, for the purpose of keeping said building and

grounds in repair and the equipment complete so long as the same shall be operated by State aid under the provisions of article 20 of chapter 41 of the Code of Alabama and the act approved April 8th, 1911, amendatory thereof, entitled "an act to amend sections 1861, 1862 and 1863 of the Code of Alabama," or similar laws of the Legislature of Alabama, and said interest fund shall be in addition to other appropriations made to county high schools under the general laws of the State of Alabama.

Sec. 3. Provided that if the State of Alabama shall at any time withdraw State aid from the Clarke county high school as it is now established, or abolish the same, that then and thereupon this fund of ten thousand dollars shall revert to the high school at Grove Hill, Alabama, and in this event the auditor of the State is directed to draw his warrant for the annual interest thereon in favor of the treasurer of the board of trustees of the high school at Grove Hill, Alabama.

Approved August 20, 1915.

No. 249.)

(S. 684—Hall.

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AN ACT

To create a board of revenue for Houston county; name the members thereof; confer on such board of revenue all the powers now exercised by the board of county commissioners, or court of county commissioners, of Houston county; to fix the term of office for said board of revenue; to provide for the election of their successors in office; to fix the duties of the probate judge with reference to such board of revenue; and to abolish the court of county commissioners of Houston county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby created a board of revenue for Houston county, Alabama, and the members of said board shall be W. J. Parish, J. H. Blackmon, J. A. Bateman, Reuben Wilson, John Sanders, J. R. Faircloth, together with the judge of probate of Houston county who shall be ex-officio member of said board, with all the rights, duties and powers now conferred upon judges of probate and which may hereafter be conferred upon them as members of courts of county commissioners, and they shall, with exception of the judge of probate, hold office until the third Tuesday in January, 1919, and their successors shall be elected at the general election for State and county officers in November, 1918, and shall hold office for the term of four years and until their successors are elected and qualify.

Sec. 2. That the said board of revenue shall have all the jurisdiction and all the power which are now or may hereafter be by law vested in the court of county commissioners of Houston county, and the several members of said board of revenue shall respectively perform all the duties and services and exercise all the powers which are now or may hereafter be by law required of the several members of the court of county commissioners.

Sec. 3. That at the general election for State and county officers in November, 1918, one member of said board of revenue shall be elected from each of the commissioners districts as now formed in Houston county, and two from the county-at-large.

Sec. 4. That all the duties required by law of the probate judge of said county, with reference to the commissioners court of said county, shall be and the same are hereby required of him with reference to the said board of revenue of said county; and he shall perform all the duties of probate judge to said board of revenue as are now required of him to the board of county commissioners of said county.

Sec. 5. That the court of county commissioners of Houston county be and the same is hereby abolished.

Sec. 6. That this act shall become effective immediately upon its passage.

Approved August 24, 1915.

No. 251.)

(S. 696—Judge.

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AN ACT

To abolish the charter of the town of Morris situated in Jefferson county, Alabama, and to dissolve said town of Morris, a municipal corporation, located in Jefferson county, Alabama.

*Be it enacted by the Legislature of Alabama:*

1. That the charter of the town of Morris, Jefferson county, Alabama, be and the same is hereby abolished, and said municipal corporation known as the town of Morris, in Jefferson county, Alabama, be and the same is hereby dissolved.

2. *Be it further enacted*, That the said town of Morris, in Jefferson county, Alabama shall cease and be no longer a municipal corporation.

3. This act shall go into effect upon its approval.

Approval August 20, 1915.

No. 252.)

(S. 723—Miller.

## AN ACT

To provide for the relief of C. B. Thomas, and to authorize the payment to him out of the fine and forfeiture fund of Marengo county of the sum of two hundred dollars paid by him upon a forfeiture of a bond of Alex Buckhannon.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the sum of two hundred dollars heretofore paid by C. B. Thomas into the fine and forfeiture fund of Marengo county upon the forfeiture of the bond of one Alex Buckhannon, be, and the same is hereby refunded and the court of county commissioners of Marengo county are hereby authorized and directed to pay to said C. B. Thomas said sum of two hundred dollars out of the fine and forfeiture fund of such county.

Approved August 21, 1915.

No. 253.)

(S. 609—Cooper.

## AN ACT

To provide for the relief of V. B. Overton, a Confederate pensioner of Bibb county, Alabama, and to provide for the payment to said V. B. Overton of seventy (\$70.00) dollars, which was omitted to be paid to him as a Confederate pensioner for the year 1914.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the auditor of the State of Alabama be and he is hereby authorized and directed to draw a warrant on the treasurer of the State in favor of said V. B. Overton for the sum of \$70.00, the same being the amount due him as a confederate pensioner of Bibb county, Alabama for the year 1914, said amount to be paid out of the fund appropriated for confederate pensioners of the State of Alabama.

Approved August 20, 1915.

No. 254.)

(S. 608—Wallace.

## AN ACT

To ratify and confirm the payment of certain county warrants paid by Joe S. Bird, treasurer of Shelby county, Alabama, and to discharge the said Joe S. Bird, treasurer of Shelby county, Alabama, and his sureties on his official bond, from all liability on account of the payment of such warrants.

*Be it enacted by the Legislature of Alabama:*

Section One. That the payment of the following county warrants, issued by Shelby county and paid by Joe S. Bird, Treasurer of said county, during his official term as treasurer, to-wit:

No.	Date	To Whom Issued	For What	Amount
904	Aug. 7th, 1912.	Columbiana Savings Bank.	Interest on borrowed money.....	\$ 17.50
905	Aug. 7th, 1912.	Columbiana Savings Bank.	Interest on borrowed money.....	1.20
906	Aug. 7th, 1912.	Columbiana Savings Bank.	Interest on borrowed money.....	334.83
907	Aug. 7th, 1912.	Columbiana Savings Bank.	Interest on borrowed money.....	296.00

be and the same is hereby ratified and confirmed.

Sec. Two. *Be it further enacted*, That the said Joe S. Bird, treasurer of Shelby county, Alabama, and his sureties on his official bond, be and they are hereby discharged from all liability whatsoever, on account of the payment of said warrants and from all interest upon said warrants.

Approved August 20, 1915.

No. 255.)

(S. 726—Wallace.

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AN ACT

To relieve J. Wiley Littlejohn, John S. Catts, Samuel W. Collins, and William M. Adams, and each of them, from liability to the county of Chilton, State of Alabama, for or on account of any money or moneys heretofore paid out by them or any of them under purported authority from the court of county commissioners of said county in the enforcement of the act of November 23rd, 1907, prohibiting the sale, etc., of intoxicating liquors (Acts Special Session 1907, p. 71-76) and to ratify and confirm said expenditures.

*Be it enacted by the Legislature of Alabama:*

Section 1. That whereas J. Wiley Littlejohn, John S. Catts, Samuel W. Collins and William M. Adams, while officers of Chilton county, Alabama, under purported but since questioned authority from the court of county commissioners of said county, paid out certain sums in the enforcement of the act of November 23rd, 1907, prohibiting the sale, etc., of intoxicating liquors (Acts Special Session 1907, pp. 71-76) which said sums were subsequently and under authority of resolu-

tion of said court of county commissioners paid to them or some of them out of the treasury of said county, and which payments are now questioned, now therefore to relieve said parties, the said J. Wiley Littlejohn, John S. Catts, Samuel W. Collins and William M. Adams and each of them, is hereby relieved and discharged of any and all liability to said county for or on account of any payment to them or any of them from the treasury of said county under purported authority from said court of county commissioners for the purpose of enforcing the said act of November 23rd, 1907, or for the purpose of reimbursing them or any of them for payments already made under such purported authority in such enforcement; and any such purported authority of said court of county commissioners in the premises is hereby ratified and confirmed.

Sec. 2. That this act shall take effect from its approval.

Approved August 20, 1915.

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No. 256.)

(S. 718—Key.

AN ACT

To provide for the payment out of the general funds of Franklin county, according to registration, the clerk's, sheriff's and witnesses' fees included in warrant No. 2978, issued by S. J. Petree, judge of probate, November term 1913, of the court of revenue.

*Be it enacted by the Legislature of Alabama:*

1. That the treasurer of Franklin county is hereby authorized, empowered and instructed to pay and settle, out of the general funds of Franklin county, according to the number of its registration, the clerk's, sheriff's and witnesses' fees included in warrant number 2978, issued by S. J. Petree, judge of probate for Franklin county, at the November term, 1913, of the court of revenue of said county.

2. The clerk's, sheriff's and witnesses' fees mentioned in this act are the same which accrued in the criminal cases in Franklin county, where the county worked the defendants, after conviction, on the public roads of said county, and said warrant was issued for the purpose of paying all of the costs accruing in said prosecutions and convictions.

3. This act shall become effective immediately on its passage and approval by the Governor.

Approved August 20, 1915.

No. 258.)

(S. 587—Pride.

## AN ACT

To regulate the payment of costs in the case of convicts heretofore and hereafter sentenced to hard labor in Madison county, Alabama, whenever and so long as said convicts or any of them are worked on the public roads of said county, and to require the court of county commissioners of said county to pay the costs of such convicts who were sentenced to hard labor for the county and who actually worked on the county roads thereof from and after January 1st, 1915, to the time of the approval of this act. Whereas the court of county commissioners of Madison county, Alabama, on or about the first day of January, 1915, adopted the policy of working certain of convicts of said county sentenced to hard labor for the county on the public roads thereof, and, Whereas, in pursuance of that policy many convicts have been worked on said roads under resolution and order of said court of county commissioners, and have been required to work out the cost of conviction, as well as the fine and sentence. Whereas, the officers of the courts in which said convicts were sentenced have not been paid the costs thereof although the court of county commissioners have appropriated the labor of said convicts for the improvement of public roads as aforesaid, now therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That in all cases in Madison county, Alabama, where, convicts have heretofore, or shall hereafter be sentenced to hard labor in said county, and shall by the court of county commissioners or other proper official or body be directed and required to work out said sentence and costs at hard labor upon the public roads of said county, such court of county commissioners shall immediately or at its next session, pay over to the clerks of the courts of said county where said convicts were sentenced, by warrants drawn on the treasurer of said county and payable out of the general fund or the road fund as they may prescribe, a sum of money sufficient for the payment of such of the items of the costs of conviction in the case, or cases, if sentenced in more than one case, as each convict has been or shall be sentenced to an additional term or terms of hard labor for the county to pay.

Sec. 2. That the clerks of the courts of said county upon receiving any such money for costs, as aforesaid, shall enter the receipt of the sum so received in such case on the fee books to be kept by such clerks and shall pay the same to the persons lawfully entitled thereto.

Sec. 3. That the court of county commissioners of said county be, and it is hereby directed to draw its warrants on the treasurer of said county, payable out of the general fund of said county, or road fund, as they may prescribe, for an amount



sufficient to pay the costs of conviction in the case of such convicts as have been sentenced to hard labor for the county, and who since January 1st, 1915, have been required to work out such costs upon the public roads of said county, and upon the receipt of the money for such costs, the clerk of such courts shall pay the same to the persons entitled thereto.

Approved August 20, 1915.

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No. 260.)

(H. 855—Davie.

### AN ACT

To abolish the office of county treasurer in Bibb county, Alabama, and to require that the funds of the county be deposited in such incorporated banks in Bibb county, or in the State of Alabama, as the courts of county commissioners or courts of like jurisdiction or the board of revenue of Bibb county may elect, and to provide for the custody and paying out of such funds.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of county treasurer of Bibb county, Alabama, is hereby abolished.

2. That immediately after this act takes effect the treasurer of said county shall make a settlement with the courts of county commissioners or courts of like jurisdiction or the board of revenue of said county, and the balance of the money on hand shall be paid over to the order of the courts of county commissioners or courts of like jurisdiction or the board of revenue of Bibb county to the credit of said county.

Sec. 3. That all the moneys heretofore required by law to be paid to the county treasurer of Bibb county shall be put into such incorporated bank or banks in Bibb county, or in Alabama, as the courts of county commissioners or courts of like jurisdiction or the board of revenue of said county may elect, to the credit of said county, and all settlements heretofore required by law to be made by or with said treasurer, shall be made with said courts of county commissioners or courts of like jurisdiction or the board of revenue, the receipt of said bank or banks so designated being sufficient vouchers; and all sworn reports heretofore required by law to be made to or by said county treasurer shall be made to or by said courts of

county commissioners or courts of like jurisdiction or the board of revenue. All duties now performed or hereafter required to be performed by the county treasurer shall be performed by the bank or banks designated.

Sec. 4. That accounts shall be opened and kept in said bank or banks in such manner, and funds, as such court or board may direct, disbursements to be made upon the order of the courts of county commissioners or courts of like jurisdiction or the board of revenue, and said bank or banks shall furnish said courts of county commissioners or courts of like jurisdiction or the board of revenue with a full and detailed statement of receipts and disbursements on the second Monday of January and July in each and every year. The said courts of county commissioners or courts of like jurisdiction or the board of revenue shall, from sealed bids, place the county funds with such bank or banks as offer the greatest rate of interest, said bids being opened on the first Monday in each year, provided said bank or banks be deemed by said courts of county commissioners or courts of like jurisdiction or the board of revenue safe depositories for said funds, said interest to be on daily balances of said deposits, the placing of such funds to be for the following calendar year. The courts of county commissioners or courts of like jurisdiction or the board of revenue shall require an adequate bond of said bank or banks to secure the safety of said deposits, said bond or bonds to be in total not less than \$25,000.00.

Sec. 5. Should there at any time be no courts of county commissioners or courts of like jurisdiction or board of revenue in Bibb county, then such board, court or body having control of the moneys and financial interests of the county shall perform all offices and duties herein imposed upon the courts of county commissioners or courts of like jurisdiction or the board of revenue. The bank or banks designated as herein provided shall be regarded as the county treasury of Bibb county.

Sec. 6. This act shall take effect and become operative at the expiration of the term of the present incumbent of the office of county treasurer in Bibb county.

Sec. 7. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 20, 1915.

No. 261.)

(H. 959—Wittmeier.

## AN ACT

To relieve Stephen C. Allgood, and his bondsmen, as a former treasurer of Blount county, Alabama, and James R. Wooten, and his bondsmen, as a former treasurer of said Blount county, Alabama, from payment of the amounts charged against each of them, while serving as said county treasurer, said amounts having been charged against them by one of the State examiners of public accounts, to-wit: Hon. Frank V. Evans, for moneys paid out by each of them, as said county treasurer in good faith on warrants issued by the commissioners court of said county on the county treasury, and to ratify, confirm and make legal the settlement made by the court of county commissioners of Blount county, Alabama, with said Stephen C. Allgood as county treasurer, and James R. Wooten, as said county treasurer, on to-wit, Feb. 16, 1912. Whereas on an examination of the office of county treasurer of Blount county, Alabama, the Hon. Frank V. Evans, as a State examiner of public accounts, or officers, found that Stephen C. Allgood, during his term of office as county treasurer of said county, had paid out on county warrants, \$90.65, which warrants were held by said examiner to have been issued without authority of law by the commissioners court of the county, and that said Allgood had paid out to various and sundry persons the sum of \$949.38 for the support, maintenance and keep of indigent, and poor citizens of the county, who were not kept at the county poor house, and credit for these warrants for said paupers were refused though issued by the commissioners court, on the ground that the county could only pay for the keep of indigent persons while they were kept and maintained at the county alms house, making a total of \$1,040.03, which was paid out by said Stephen C. Allgood while county treasurer in good faith on improper county warrants on him as such treasurer. And whereas on said examination above mentioned the said Hon. Frank V. Evans in his report of the office of county treasurer of Blount county, Ala., refused to allow credit to James R. Wooten, as such treasurer for the payment of divers county warrants for court house expenses, and furniture of the court house of Blount county, amounting to \$1,008.00, although the court of county commissioners of said county had regularly issued warrants on him for the said sum, which warrants he had in good faith paid out of the county treasury, and also the said examiner, declined and refused to allow him credit for moneys of the county that he had paid out on county warrants which had been issued by the commissioners court of said county for the support, maintenance and keep of indigent, poor people of the county, which said indigent persons were being kept by the county and monthly board paid for them by warrants issued on the county treasury, said persons being kept at some places in the county other than the poor house of the county, the total amount of warrants so paid to the indigent being \$2,499.55, making total amount paid out by said Wooten on county warrants issued by the commissioners court \$3,507.55, which sum was so paid out of the county money, but credit for this amount was disallowed because the court was without authority to pay the same for which the warrants were issued. And whereas the said State examiner held that said payments so made by said Stephen C. Allgood, and by said James R. Wooten, respectively while they served as such county treasurer, were made on county warrants that had been issued by the court of county commissioners without authority of law to issue the same for the purposes for which they were issued, and declined to allow the said former officers credit for the same, and on that account in his said report showed that each of the said former county treasurers were indebted to the county in the sums

above stated to-wit, Stephen C. Allgood in the total sum of \$1,040.03, and James R. Wooten in the sum of to-wit, \$3,507.55. And whereas the court of county commissioners have heretofore by a minute of the commissioners court held on February 16, 1912, ascertained that the said sums had been justly expended for the use and benefit of the county, and that no part of the same had been in any way appropriated by the said former officers for their benefit, but that the said sum of money had been by each paid out by them while acting and serving as the said treasurer of the county, on what each believed to be a good and proper charge against the fund of the county, and that the money had gone on the county obligations and that the officers had made the payments in good faith, the said honorable court by said resolution or minute of said court, allowed each of said officers a full and complete discharge from any and all liability on account of said alleged shortage, as they thought at the time they were authorized to do under the Code giving them authority to settle doubtful claims, where the money had been paid out in good faith, under section 3313, subdivision 11. And whereas there has been no evidence of any bad faith whatever on the part of the said officers or the said commissioners court, and whereas, there is some doubt as to whether the court had the authority to settle and adjust the claims as they attempted to do in open court, Therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That Stephen C. Allgood, a former treasurer of Blount county, Alabama, and James R. Wooten, a former treasurer of said Blount county, Alabama, be and each of them is hereby released and discharged from the payment of the separate amounts charged against each by the State examiner of public accounts, as reported by said examiner. The said sums of money having been actually paid out by them on warrants for the use and benefit of the county of which they were each former treasurer on warrants issued by the court of county commissioners.

Section 2. *Be it further enacted by the Legislature of Alabama,* That the compromise and settlement made by the commissioners court of Blount county, Alabama, on February 16, 1912, with Stephen C. Allgood and James R. Wooten, respectively, as former county treasurers of said Blount county, Alabama, be and the same are hereby ratified and confirmed, and the said former officers and their bondsmen are hereby released and discharged from the payment of the amounts charged against each, as the settlement so made in said commissioners court directed and attempted therein to do.

Approved August 20, 1915.

No. 263.)

(H. 971—Smith.)

## AN ACT

To provide for the more efficient working of the public roads of Crenshaw county, Alabama; to provide for the raising of revenue for the public roads and bridges of Crenshaw county, Alabama, including a vehicle license tax, and a dog tax, and a commutation fee of five dollars per capita in lieu of road work; to prescribe the duties of the county commissioners, judge of probate, tax assessor, tax collector and sheriff of Crenshaw county, Alabama, and to fix their compensation; to provide payment to attorney for drafting this act; to provide for the assessment and collection of said taxes or licenses; to punish persons violating the provisions of this act; to provide for the disposition of the fine and forfeitures collected under this act; to provide the mode and prescribe the manner that prosecutions under this act shall be conducted, and to provide such other duties and details as may be necessary for the proper working of the public roads and the building of the public bridges of Crenshaw county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section (1). That all male person citizens of Crenshaw county, Alabama, between the ages of eighteen and forty-five years, who are not exempt from road duty under the general laws of Alabama are liable to work on the public roads of Crenshaw county, Alabama for fifteen days during each road year; provided, however, that any person liable to road duty may relieve himself from such liability by paying yearly a road tax of five dollars as hereinafter provided. Provided further, that any person liable to road duty who desires to work said public roads in lieu of paying said road tax of five dollars, shall within the first fifteen days of each September file in the office of the judge of probate of said county his written declaration declaring that he will work said public roads as provided in this act. All persons liable for road duty who fails to file said declaration in the office of the judge of probate as herein provided, shall not during the next succeeding road year be allowed to work said public roads, but shall pay the said road tax of five dollars as in this act provided. The road tax year under this act shall begin on October, the first of each year, and end on the thirtieth day of the next September, and the road tax herein provided shall be due on October the first of each year and delinquent on the first day of January thereafter. The first road tax under this act shall be due the first day of October, 1915. All persons liable to said road tax (who has not elected to do road duty as herein provided) who fails to pay the same to the tax collector of said county as hereinafter provided by April, first next after it becomes delinquent, shall be

guilty of a misdemeanor, and on conviction shall be fined not less than three times the amount of said road tax, nor more than fifty dollars.

Sec. (2). That there is hereby levied an annual "vehicle license tax" on all vehicles in said county or that may hereafter be in said county, and which are or may be owned by or in the possession of citizens of said county, and which are used or run on or over any of the public roads of said county. Said "vehicle license tax" shall be as follows: On each one horse wagon, buggy, surry or cart, \$1.00. On each two horse wagon, buggy or surry or hack, \$2.00. On each four horse wagon or dray, used in hauling lumber or logs or timber, using four mules or oxen or more, \$25.00. On each motor truck used in hauling merchandise or freight, \$25.00. On each automobile, \$10.00. On each motorcycle, \$5.00. On each motor vehicle or bus with a capacity for carrying nine passengers or more, operating on the public roads of said county in the transportation of passengers and for which a fee is charged therefor, \$150.00. The "vehicle license tax" year shall begin October the first and end the thirtieth day of September thereafter. The "vehicle license tax" shall be due October the first of each year and delinquent January the first thereafter. The first "vehicle license tax" under this act shall be due October the first, 1915. The owner or person in charge or possession of a vehicle (which is liable to said tax) who fails to pay the tax due thereon as hereinafter provided, shall be guilty of a misdemeanor and on conviction shall be fined not less than three times the amount of said vehicle tax, which he is liable for, and not more than five hundred dollars.

Sec. (3). That each and every dog in said county over four months old shall be liable to a yearly tax as hereinafter provided, either by the owner, agent or attorney of the owner and every person who keeps or harbors a dog, or who knowingly permits the keeping of a dog upon his premises shall be deemed the owner of said dog within the meaning of this act, and liable for said dog tax. Said dog tax shall be one dollar per annum on each dog. Said dog tax shall be due on October the first of each year and delinquent on January the first thereafter. The first dog tax under this act shall be due October the first 1915. It shall be the duty of the owner of each dog over four months old within the first fifteen days of each September to file in the office of the judge of probate of said county a written instrument signed by him showing the number of

dogs owned by him or her, and any person who fails to so file said instrument as herein provided shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than fifty dollars, and one-half of the fine shall go to the informant. Any person liable for said dog tax who fails to pay the same as hereinafter provided shall be guilty of a misdemeanor and on conviction shall be fined not less than three times the amount of said dog tax that he is liable for, nor more than fifty dollars. All moneys collected under the provisions of this section shall go to the road and bridge fund of said county, and shall be a part of said fund.

Sec. (4). The judge of probate of said county shall by October the first of each year enter in a suitable book to be kept for that purpose in his office an alphabetical list by beats of all persons who under section one of this act shall have filed his written declaration electing to do road work in lieu of paying said road tax, and he shall deliver a certified copy of said names in alphabetical order by beats to the tax assessor of said county in duplicate by October the first of each year, and said tax assessor shall deliver one of said list to the tax collector of said county. Said judge of probate shall certify to the correctness of said list so furnished to the tax assessor.

Sec. (5). The judge of probate shall by October the first of each year enter in a suitable book to be kept by him in his office an alphabetical list by beats the names of the owners of all dogs together with the number of dogs, that have been returned by each owner as provided in section three of this act, and said judge of probate shall by October the first of each year make and deliver to the tax assessor of said county in duplicate an alphabetical list by beats of the names of the owners of all dogs, together with the number of dogs returned or listed by each owner, and said tax assessor shall deliver one of said list to the tax collector of said county. The judge of probate shall certify to the correctness of the list so furnished to the tax assessor.

Sec. (6). It shall be the duty of each county commissioner within his district within the first fifteen days of each September to ascertain and make a full and complete list of all male persons within his district over eighteen and under forty-five years of age, and return the same to the judge of probate of said county by the 20th, day of September of each year, and said judge of probate shall by the first day of October make an alphabetical list in duplicate by beats duly certified to of the

names of said persons so returned by the said county commissioner and deliver the same to the tax assessor of said county, and said tax assessor shall deliver one of said list to the tax collector of said county. The judge of probate shall record in a book kept for that purpose said alphabetical list before delivering the same to the tax assessor. The commissioners shall have the power and authority to employ one or more persons to assist him in getting the list required of him by this section, and the county shall pay such per diem as is reasonable to those employed to assist said commissioners, and the commissioners for services under this section shall receive the same compensation as is now allowed him by law as a commissioner. Said list shall be sworn to by the person or persons having knowledge of the correctness of the same.

Sec. (7). It shall be the duty of each county commissioner within his district within the first fifteen days of each September to visit each home in his district and make a full and complete list of all persons in his district who owns a dog or dogs or has in his possession or on his premises a dog or dogs over four months old, and shall set opposite each name the number of dogs owned by each person, and return said list to the judge of probate of said county by September 20th, of each year. And said judge of probate shall by the first day of each October make an alphabetical list in duplicate by beats duly certified to of said list so returned to him, and shall deliver the same to the tax assessor of said county by the first day of October of each year, and the tax assessor shall deliver one of said list to the tax collector of said county. The judge of probate shall record in a book kept for that purpose said alphabetical list before delivering the same to the tax assessor. The commissioners shall have the power and authority to employ one or more persons to assist him in getting the list required of him by this section, and the county shall pay such per diem as is reasonable to those thus employed to assist said commissioner, and the commissioner for services under this section shall receive the same compensation as is now allowed by law to a county commissioner. Said list shall be sworn to by the person or persons having knowledge of the correctness of the same.

Sec. (8). It shall be the duty of the tax assessor of said county to take each list so furnished him by the judge of probate on his "rounds" for the assessment of State and county taxes, and he shall assess in a suitable book kept for the purpose each person liable to road duty who has not elected to do



road work as provided in section one of this act the amount provided in said section one, and he shall at the same time assess each owner as provided in section two of this act, such "vehicle license tax" as said owner is liable for as set out in said section two, and he shall at the same time assess to each owner as provided in this act, the "dog tax" as provided in section three of this act. The assessor shall make the assessments herein provided, from the list in his possession or from any other information he can obtain from other sources.

Sec. (9). It shall be the duty of the tax assessor during January of each year to inquire and ascertain the names of each person liable to road tax who has not been assessed to the same, and to assess those so liable in a book to be known as the "defaulters book" and he shall also during each January inquire and ascertain the names of each person liable to the "vehicle license tax" who has not been assessed to the same, and assess those so liable in a book to be known as the "defaulters book," and he shall also during each January inquire and ascertain the name of the owner of each dog liable to the dog tax, and assess those so liable for said tax in a book to be known as the "defaulters book." For making each assessment after January the first of each year, the tax assessor must tax a fee of fifty cents, which shall be added to the assessment and collected as and when the assessment is paid, but no person shall be liable to more than one assessor's fee. The assessors fee herein provided for shall be paid to the county and shall be a part of the road and bridge fund of the county, but the county shall pay the assessor out of said road and bridge fund one-half of the assessor's fee so paid to the county.

Sec. (10). It shall be the duty of the tax assessor during the month of January of each year to arrange his assessments list containing all assessments prior to January the first of each year, in alphabetical order by beats, and he shall by February the first of each year deliver the same to the tax collector of said county. It shall be the duty of the tax assessor during the month of February of each year to arrange his assessment lists containing all assessments after January the first of each year in alphabetical order by beats and he shall deliver the same to the tax collector of said county by March the first of each year.

Sec. (11). It shall be the duty of the tax collector of said county to keep suitable books and to collect all taxes and license assessed under the provisions of this act, and to give to

each person a receipt for the taxes or license so paid, showing for what paid. And said tax collector shall in person or by deputy make a demand on each person liable for tax under this act before April the first of each year, but the failure to make said demand shall in no way relieve said person from the payment of said tax or the penalties imposed by this act. Said tax collector shall make monthly settlements with the county of all moneys collected under this act, and he shall within the first fifteen days of each April make a final settlement with said county. The judge of probate shall during the first fifteen days of each April employ a suitable and competent person to check the books of the assessor and collector and ascertain if all moneys collected have been properly accounted for and turned over to the county; and said collector shall be charged with all assessments and be credited with all moneys paid to the county and he shall also be credited with all taxes or license assessed to parties who have failed to pay, and said collector shall on said final settlement deliver to the judge of probate an alphabetical list by beats in duplicate duly sworn to of all persons who have not paid the taxes or license assessed to them; which said list shall show each kind of tax and on what or whom imposed with the amount of the same, and the judge of probate shall within five days thereafter deliver one of said list to the sheriff of said county who shall immediately swear out warrants against each and every person for each and every tax or license he is in default. Said case shall be returnable to the county court of said county and the defendant on conviction shall be fined the amount provided in this act for failing to pay such tax or license. One of the list so returned by the collector to the judge of probate shall be recorded in the office of said judge of probate in a book kept for that purpose. All defaulters under this act shall pay a collector's fee of fifty cents which shall be added to the assessment and collected as and when the assessments is paid but no person shall be liable for more than one collector's fee. The collector's fee herein provided for shall be paid to the county and shall become a part of the road and bridge fund of said county, but the county shall pay to the collector one-half of the collector's fees so paid to the county.

Sec. (12). Should any person or persons liable to road duty, elect to work the public roads of said county in lieu of paying the road tax it shall be the duty of the commissioner in whose district said person resides, either in person or by deputy

to call out said persons and work them for the time named in this act on any of the public roads in his district that he may designate. One day's verbal notice by the commissioner or his deputy shall be sufficient warning, and any person who is liable to work and who fails to work or send a good substitute after being warned shall be guilty of a misdemeanor and on conviction shall be fined not less than twenty nor more than fifty dollars. The commissioner or the deputy appointed by him has power upon good and sufficient excuse being shown to excuse temporarily any person from road work, but it is the duty of the commissioner to see that such person liable to road duty and who elects to do the same, works the full fifteen days during each road year. A days work within the meaning of this act shall be ten hours. The commissioner or person appointed by him under this section shall be paid by the county a reasonable sum for his labor.

Sec. (13). It is hereby made the duty of the commissioners court of said county to make a thorough investigation into the various public roads of the county, and they shall whenever the same can be done without too great inconvenience to the general public, abolish all public roads possible. And the court of county commissioners shall not establish a new road unless they are clearly convinced that the general public will be benefitted thereby.

Sec. (14). The commissioners court shall have the same powers, legislative, judicial and executive in reference to the public roads and bridges of said county that they now or may hereafter have under the general laws of Alabama.

Sec. (15). If any officer or person charged with any duty or who is required to do any act, under the provisions of this act, fail or refuse to do said act or perform said duty, shall be guilty of a misdemeanor and on conviction shall be fined not exceeding five hundred dollars.

Sec. (16). That all taxes, license, moneys, fines and forfeitures collected under this act, shall belong to the road and bridge fund of said county, and all moneys earned by convicts working out sentences imposed under this act, shall be a part of the road and bridge fund of said county.

Sec. (17). That all prosecutions under the provisions of this act shall be done by affidavit, and the person charged shall not have the right to demand that a grand jury investigate his case or prefer an indictment for said alleged offense, but the prosecution shall continue in the county court of said county,

which court shall have exclusive jurisdiction of all prosecutions under this act; provided that any defendant convicted in said county court shall have the right of appeal to the circuit court of said county under the same rules and regulations now governing appeals to the circuit courts from said county courts.

Sec. (18). If any section or provision of this act shall be declared void or unconstitutional it shall not effect or destroy the validity or constitutionality of any other section or provision which is not in and of itself void or unconstitutional.

Sec. (19). The judge of probate for the performance of the duties required of him by the provisions of this act, shall receive the same compensation as now provided and allowed him under acts of Alabama of 1911. Said compensation shall be paid out of said road and bridge fund.

Sec. (20). The judge of probate shall immediately upon the passage of this act have five thousand copies of same printed in pamphlet form, and he shall cause one copy of same to be sent to each male citizen of said county so far as he can ascertain his post office address. The cost of printing said copies and the expense of having them mailed out including the stamps shall be paid by the county out of the road and bridge fund.

Sec. (21). The tax assessor and tax collector for the performance of the duties required of them under the provisions of this act, shall each receive annually one per cent of the amount collected under this act, in addition to the one-half of the assessor's and collector's fee herein provided for.

Sec. (22). The county attorney shall for his services in drafting this act be allowed and paid seven and one-half per cent of the first year's revenues collected under this act, payable when collected, and the judge of probate shall draw his warrant for said compensation based upon the certificate of the tax collector as to the amount collected.

Sec. (23). Should the office of county commissioners at any time in the future be abolished and a board of revenue or other similar board be created, then the duties, powers, and authority conferred upon said commissioners by this act, shall devolve upon said board of revenue or other similar body.

Sec. (24). That all laws and parts of laws in conflict with the provisions of this act, be and they are hereby expressly repealed.

Sec. (25). This act shall go into effect and become operative upon its approval by the Governor.

Approved August 24, 1915.

No. 264.)

(H. 1095—Blackwell.

## AN ACT

To establish an inferior court in precincts 15 and 20 in Calhoun county, Alabama, in lieu of all justices of the peace and notaries public with power of justice of the peace, in said precincts, and to define the jurisdiction and powers of said court, and the judge thereof, to provide for the execution of the process of said court and the operation thereof, to regulate the rendition of judgments by default, to provide for the election, term of office, qualifications and compensation of the officers of said court, and the mode of their selection, and to abolish the office of justice of the peace and notary public with power of justice of the peace in said precincts. Court established.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby established an inferior court in precincts 15 and 20 in Calhoun county, Alabama, which shall be known and designated as "The Court of Common Pleas of Anniston," and which shall be in lieu of all justices of the peace and notaries public with power of justice of the peace, within said precincts. The said court shall have all power and jurisdiction now conferred by law on justices of the peace and notaries public with power of justice of the peace, in said precinct, or that may hereafter be conferred by law on justices of the peace, or on said court, and the judge of the said court shall have and exercise all the power and authority and perform all the duties now prescribed by law, for justices of the peace in said precinct. Said judge shall have the same rights and privileges and the same disabilities and penalties as now apply by law to justices of peace.

Sec. 2. *Be it further enacted*, That there shall be a judge of said court, said judge shall, at the time of his election, have been a resident of one of said precincts for at least one year, and that he shall, at the time of his election, be at least twenty-one years of age and shall, within the State of Alabama, have been admitted to the practice of law. The first judge of said court shall be appointed by the Governor and such appointee shall hold his office until the regular election for State and county officers in the year 1916 and until his successor is elected and qualified. The said judge of said court shall hold office for a term of six years, except as otherwise hereinafter provided, and until his successor is elected and qualified.

Sec. 3. *Be it further enacted*, That at the regular election for State and county officers in the year 1916 and each six years thereafter there shall be elected a judge of said court by the

qualified electors of said precincts 15 and 20. All vacancies in the office of said judge of said court shall be filled by appointment by the Governor, and such appointee so appointed shall hold office until the next general election for any State officer held at least six months after the vacancy occurs and until his successor is elected and qualified. The successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.

Sec. 4. *Be it further enacted*, That such office shall be considered a county office within the meaning of election and other laws of Alabama.

Sec. 5. *Be it further enacted*, That the judge of said court shall receive a salary of twelve hundred dollars per annum, payable monthly out of the county treasury upon his warrant drawn upon the county treasury.

Sec. 6. *Be it further enacted*, That the judge of said court shall give bond in the penal sum of two thousand dollars, payable to the county of Calhoun, and conditioned to faithfully discharge the duties of his office, which said bond shall be approved by, and filed in the office of, the judge of probate of said county, and also conditioned to pay over all money to the proper officers or persons to whom it is payable, and to faithfully account for money coming into his hands by virtue of his office. The judge of said court shall be authorized to administer oaths. He shall issue all process of the said court, keep a docket of the proceedings of said court, and certify all appeals and certioraris. All judgments and orders of said court shall be signed by him. The fees and costs now allowed by law to justices of the peace, constables and sheriffs in said precincts for services in the justice of the peace courts shall be taxed and collected as now provided by law in each case. The fees allowed constables and sheriffs in said precincts for services in justice courts shall, when accruing in said court of common pleas, upon collection, be paid over to the constables and sheriff by the judge of said court, and all other fees and costs he shall pay over to the county treasury on the first Monday of each month, except fees for certifying acknowledgments and affidavits not connected with cases in said court, which fees he may retain.

Sec. 7. The constables of the said precincts and the sheriff of said county shall be the officers of said court and shall execute all processes from said court and make due return thereof, and for their compensation shall receive the same fees as now provided by law for like services in courts of justices of

peace in Calhoun county, which said fees shall be paid over to the constables and sheriff and not into the county treasury. At the foot or on some part of each execution out of said court, the judge must state in intelligible words and figures the several items composing the bill of costs.

Sec. 8. *Be it further enacted*, That all process of whatever kind or nature issued out of said court shall be addressed to any lawful officer of Calhoun county.

Sec. 9. *Be it further enacted*, That the judge of said court shall have the same jurisdiction and powers as are conferred by law on justices of the peace in this State. Upon the taking effect of this act, all cases pending in the courts of justice of the peace and notaries public with power of justice of the peace, in said precincts, shall be forthwith transferred to the court established by the provisions of this act and said court shall proceed with said causes in all respect as though they had been originally instituted in said court. There shall thereafter be no justices of the peace, notaries public with power of justice of the peace, elected or appointed for said precincts, and the office of justice of the peace and notary public with power of justice of the peace shall be abolished in precincts 15 and 20 in Calhoun county, Alabama, from and after October 1st, 1915.

Sec. 10. *Be it further enacted*, That the judge of said court shall be liable to impeachment for the same causes and in the same manner as now provided by law for justices of the peace.

Sec. 11. *Be it further enacted*, That on the first day of October, 1915, each of the justices of the peace or notaries public with powers of justice of the peace in said precincts 15 and 20 shall deliver the dockets, official papers, and records of all kinds of their respective offices to the judge of the said court of common pleas of Anniston, and all causes then pending in such justice courts shall be by such delivery transferred to said court of common pleas. Any justice of the peace or notary public with power of justice of the peace in beats 15 and 20, Calhoun county, Alabama, failing or refusing to so deliver said books, official papers, and records shall be guilty of, and punished for, contempt of said court of common pleas of Anniston by the judge thereof. Execution and other necessary process upon the previously rendered judgements of said justice courts may, after said first day of October, 1915, be issued from said court of common pleas at Anniston, including executions for costs; and, upon the collection of costs in any case, accrued before such transfer, the judge of said court shall pay said costs

to the justice of the peace or constable or other person or officers entitled to the same and shall take a receipt therefor, which shall be entered on the docket of said cause.

Sec. 12. *Be it further enacted*, That all laws affecting or regulating practice of courts of justice of the peace in Calhoun county shall be applicable to the court hereby established.

Sec. 13. *Be it further enacted*, That it shall be the duty of the court of county commissioners of Calhoun county to provide a proper place for holding said court and to provide for the comforts and necessary accommodations therefor, and to provide said court with all necessary blanks, stationery, dockets, and books.

Sec. 14. *Be it further enacted*, That in the event of sickness or unavoidable absence of the judge of said court, the judge of the city court of Anniston shall appoint a special judge to hold court during the disqualification or absence of the regular judge. The compensation herein provided for the regular judge shall be paid to the special judge for the period during which he shall sit, in lieu of payment to the regular judge. The judge of the said city court of Anniston shall be the judge of all disqualifications or unavoidable absences of the judge of the court of common pleas, and shall in each instance certify the same, which certificate shall be spread upon the minutes of the court of common pleas.

Sec. 15. The rules now applying to the recording of judgments in the justice of the peace courts, and the liens thereof shall apply to the judgments rendered in the court hereby created.

Sec. 16. The rules now governing appeals and certioraris from justice courts shall apply to appeals and certioraris from the court of common pleas hereby created, except that any party against whom judgment has been rendered may, by filing petition with the judge of the court of common pleas within ten days after the rendition of judgment, obtain an appeal to the city court of Anniston or the circuit court of Calhoun county for a trial *de novo*, before the judge without a jury, provided that notice of said application shall be given to the opposite party and provided that such application shall be supported by affidavit or such other evidence as the judge of the court of common pleas shall require, and show that the applicant is unable to give bond. If the judge of the court of common pleas is satisfied that the applicant is unable to give bond, and is further satisfied in his discretion that an appeal shall lie, he shall grant



the appeal, and certify the papers to the higher court, but there shall be no supersedeas. It is further provided that, all parties against whom judgments have been rendered in the court of common pleas shall have ten days in which to effect appeals, but the rule as to time and manner of issuing execution shall not be affected by this provision.

Sec. 17. No judgment by default shall be rendered prior to twelve o'clock noon. Upon rendition of a judgment by default the judge of said court shall ascertain as nearly as may be the post office address of the person against whom judgment is rendered; and shall immediately mail to said person a postal card, giving said person notice that judgment was rendered against him on said date, giving the amount of the judgment and cost and the name of the parties, and further notifying said person that his right to appeal from or to move to set aside said judgment will expire within five days. Upon application being made within five days of the rendition of said judgment, the judge may, in his discretion, for good cause shown, set aside such judgment by default.

Sec. 18. All process of said court where no time is otherwise fixed shall be returnable at ten A. M. of the return day.

Sec. 19. This act shall take effect from and after October 1st, 1915.

Sec. 20. *Be it further enacted*, That if any section or provision of this act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision therein, which is not in and of itself void or unconstitutional, it being the intention of the Legislature, in enacting said act, to enact each section separately.

Sec. 21. *Be it further enacted*, That it shall be the duty of the court of commissioners of Calhoun county to audit the dockets and records of the judge of said court at least once each year. In every case where the judge of the court fails to issue execution for costs accruing to the county, such costs shall be paid by said judge to Calhoun county, and the commissioners shall deduct the same from the salary of said judge, or, if no deduction is made the county shall have a right of action against the said judge and his bondsmen to recover the same. In every case where the constable has failed to collect costs accruing to the county, which could have been collected by the exercise of due diligence, said county shall have a right of action against said constable and his bondsmen for all such costs, and it shall

be the duty of the commissioners' court to institute such suit in every case where, in their judgment, due diligence has not been exercised to collect said costs.

Approved August 25, 1915.

No. 23.)

(S. 23—Hill.

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AN ACT

To abolish the office of associate judge of the city court of Montgomery.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of associate judge of the city court of Montgomery is hereby abolished.

Sec. 1½. That all the duties and powers heretofore conferred upon the associate judge of the city court of Montgomery are hereby conferred upon the judge of the city court of Montgomery.

Sec. 2. That this act shall go into effect at the expiration of the present term of the present incumbent of the office of the associate judge of the city court of Montgomery.

Approved February 9, 1915.

No. 48.)

(H. 4—Hardage.

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AN ACT

To establish the court of county commissioners for Covington county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby created and established in and for Covington county, Alabama, a court of record to be known and styled the court of county commissioners, to be composed of one president who shall be the presiding officer, four associate county commissioners, and one clerk of commissioners court; the terms of said court and the business thereof to be held and transacted at the courthouse for said county.

Sec. 2. Said court of county commissioners is hereby vested with all the powers, jurisdiction and authority as is now, and as may hereafter be conferred on courts of county commissioners and boards of revenue in this State; and all the power, jurisdiction and authority, now conferred on the board of rev-

enue of Covington county, Alabama, and all records, causes, matters, and other things and properties pertaining to, in and before such board, are hereby conferred upon and invested in said court of county commissioners, and divested out of and withdrawn from said board of revenue, and said board of revenue abolished.

Sec. 3. The officers of said court shall be elected at the general election in 1916, and every four years thereafter, in like manner as is now provided under the general law of this State for like officers, and their terms of office shall be for a period of four years to begin at the same time as like officers under the general laws of this State, and the general laws of this State shall apply to said court and the officers thereof except as is otherwise provided in this act.

Sec. 4. That the president and clerk of said court shall be elected by the qualified voters of said county, from the county at large; and one associate member of said court shall be elected from each of the four commissioners' districts of said county, by the qualified voters of each respective district as herein defined and established.

Sec. 5. That said county is divided into four commissioners' districts as follows: First district—composed of precincts 3, 14, 17, 4, 5 and 15, of said county. Second district—composed of precincts 1, 8, 20, 16 and 2 of said county. Third district—composed of precincts 9, 13, 10, 19, 7, 21 and 22 of said county. Fourth district—composed of precincts 6, 11, 12 and 18, of said county.

Sec. 6. That each member and officer of said court shall possess all and singular the qualifications required by the laws of Alabama, and the act creating said court, and shall not hold any other office of profit, or be interested in any contract, claim or proceeding pending before said court during his term or concerning which he shall cast any vote or use his official position in connection therewith but shall make known such interest and decline to vote or act thereon.

Sec. 7. The president and associate members and the clerk of said court, respectively, shall perform all the duties respectively conferred upon them by the laws of Alabama, and the act creating said court, and cause to be kept a record of their proceedings and orders, judgments and decrees in well bound books to be kept for that purpose, the same to be entered by said clerk properly and promptly, and signed by him and approved by the president of the court, at each of its meetings and terms;

and the president may when he shall deem it necessary, appoint a clerk pro tempore to enter the minutes and proceedings of the court at any term of the court, and all vacancies on said board or of the clerk thereof shall be filled by the remaining members of the board and the person so elected or appointed shall hold until his successor is elected and qualified.

Sec. 8. That it shall be the duty of the president and clerk of said court to give notice by publication in some newspaper published in said county, of any contract proposed to be let by the court for building and repairing any public buildings, bridges, or other public improvements, for thirty days next before the letting of the same, when the sum or amount involved exceeds an expenditure by the county in excess of two hundred and fifty dollars, that bonds shall be required to secure the faithful performance by the contractor of all contracts let by the court, in a sufficient sum to protect the county for the faithful and proper performance of the duties of each contractor and the proper and faithful performance of said contract, to be approved by the president of the court and entered on the minutes of the court; and all contracts, plans and specifications, for work, services, buildings, improvements and maintenance made, entered into and pertaining to any business of the county shall be specific and certain in detail and shall be entered on the minutes and records of the court and open at all times to the inspection of the public; provided, that all public printing for the county, by such court, shall be to the lowest responsible newspaper with general circulation in said county; and all contracts for and on contracts for the county for public and other improvements shall be to the lowest responsible bidder.

Sec. 9. The president of said court shall be the presiding officer of said court, and shall put motions, make docket entries, direct the order of business, keep order and decorum in the court, and sign all decrees and judgments and minutes of the court, and vote in case of a tie on any matter to be voted on before the court, and see that the orders, judgments and decrees of the court are enforced, and see that all matters before the court are properly and duly considered and acted upon by the court legally and regularly, and in addition to the compensation provided for otherwise, he shall receive one hundred dollars, annually.

Sec. 10. The clerk of the court shall keep the records, files, and all documents and papers pertaining to the court with care and security, and make up the dockets, books, records, and min-

utes of the court under the supervision of the president and court; he shall issue all certificates, commissions, notices, citations, summons, subpoenas, and other process, of and out of said court, and shall make permanent files of all claims filed against the county and preserve the same, as well as all other files, papers, records, data and property of Covington county which may come into his hands by virtue of his office; and file all papers and documents on the true date of such filing, date the same and sign his name thereto.

Sec. 11. The court shall provide quarters in the county court house for the court, and the suitable and proper records, books, stationery and office furniture for the court, and the president and clerk thereof; and the office of the clerk shall be kept in the county courthouse and, at all reasonable and seasonable hours the office of the clerk shall be open to the public, and the records and proceedings of the court and of his office open at such times to the inspection of the public; and the court shall provide, also, suitable and efficient fire proof space or repository for all the files, records, books and archives of the court and of the clerk, and of the same, which shall be in the care and custody of the clerk, to the end that the same be preserved from fire or other destruction.

Sec. 12. Each member and officer of said court shall take and subscribe the same oath of office as required of other officials of this State to be filed in the office of the judge of probate of Covington county, Alabama, and shall each enter into bond payable to the State of Alabama, and conditioned as other official bonds of public officers of this State, to be approved by the judge of probate for said county in the sum of two thousand dollars, and filed and recorded in the probate office of said county.

Sec. 13. The officers of said court shall each receive the same compensation, to be paid in the same manner and for like services in all respects whatever as county commissioners under the general laws of this State; and shall also receive, in addition, any and all, such reasonable sums for expenses as they may severally expend and be entitled to for and on behalf of the county in the proper and legitimate exercise of their duties of office by order of the court; and the clerk shall also be entitled to fifteen cents per one hundred words for making up the minutes and records of the court, and the sum of one hundred dollars for all road services rendered, annually, not herein provided for; all such fees and compensation to be paid out of the

county treasurer on warrant, audited by the court, and drawn on the treasurer signed by the president and clerk of the court. The clerk of said court shall be entitled to fifteen cents per hundred words for any copy of the records, papers and documents pertaining to his office to be paid by the person obtaining the same, and fifty cents for each certificate attached thereto to be paid in like manner.

Sec. 14. All warrants drawn on the county treasury, by order of the court, shall be signed by the president of the court, and by the clerk, dated and stating for what and on what fund and account, the same is drawn; and the clerk shall keep a record of all warrants ordered, issued and signed and for what and in whose favor.

Sec. 15. No member of said court shall be interested in, vote or sit in any matter or proceeding in which he is, by the present law disqualified or when he is related within the fourth degree of consanguinity or affinity to any attorney interested or employed therein by any party thereto; and all claims shall be filed with the clerk of said court for one full week before it can be audited by said court, except for services of the officers thereof and election expenses.

Sec. 16. The court shall regularly, properly, and adequately, provide for and require all county buildings, the county court house and county jail, to be kept sanitary, in safe and proper repair, properly heated and lighted and adequate, in all respects, and may direct the clerk of the court to make weekly inspections thereof, and make reports thereof in writing to the court of any failure in any respect in that regard, and such suggestions as he may deem proper in the premises relating thereto.

Sec. 17. The officers of the board of revenue for said county, who may be in office at the time this act goes into effect shall constitute such respective officers of this said court, if qualified under this act upon filing oath and bond as provided herein within ten days from the approval of this act as a condition precedent, and shall hold office, in such event, until their successors are elected and qualified as provided for in this act.

Sec. 18. That on the first Saturday after the expiration of sixty days from the approval of this act, an election shall be held in Covington county, to be held and provided for in all respects and carried out as general elections, for the purpose of electing officers for said court, whose terms of office shall begin on the election and qualification under this act, and until their successors are elected and qualified at the general election in

1916; and county officers for said county, shall perform the same duties, and in conformity to the law, as to such special election, its details and the results thereof, as is required under the general laws of this State as to elections.

Sec. 19. That all laws and parts of laws, in conflict herewith are hereby repealed and abolished in so far as relates to the county of Covington.

Became a law under section 125 of the Constitution.

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No. 112.)

(H. 569—Smith of Geneva.

### AN ACT

For the relief of D. G. Roach, tax assessor of Geneva county, Alabama.

*Whereas*, the court house of Geneva county, Alabama, was wholly destroyed by fire during the month of February, 1911; and

*Whereas*, the records of assessment made by D. G. Roach, as tax assessor of said county, were also destroyed, thus necessitating a re-assessment of the property by the said D. G. Roach at great expense to himself.

Now, therefore *Be it enacted by the Legislature of Alabama:*

1. That the commissioners of Geneva county be, and they are hereby authorized and required to issue to D. G. Roach a warrant on the treasury of Geneva county, Alabama, in his favor in such sum as said court may determine just, right and proper, not exceeding one thousand (\$1,000.00) dollars for reimbursement and compensation in the matter of the loss of the assessment records by reason of the fire which destroyed the court house of Geneva county, Alabama, in February, 1911.

2. *Be it further enacted*, That before any warrant provided by this act is issued, the said D. G. Roach shall file with the court of county commissioners a statement of extra expense incurred by him in the matter of making said re-assessment, which statement shall be sworn to, and the warrant issued shall be based upon such statement and shall not exceed the sum of one thousand (\$1,000.00) dollars.

Approved April 30, 1915.

No. 114.)

(H. 626—Kyser.

## AN ACT

To create a highway commission for Monroe county, Alabama, and to define its powers and duties; to provide for the appointment, term of office and compensation of the commissioners; to provide for a special tax levy, road tax and vehicle tax for the purpose of obtaining revenue to aid the commission in carrying out its work; to authorize the commission to work county and municipal convicts of said county on the public roads of said county; to provide a method of obtaining rights of way and road materials for public roads in said county where owners of lands and commission cannot agree upon compensation therefor, and to provide that all male inhabitants of said county over eighteen and under fifty years of age shall be required to work on the public roads of said county for ten days in each year or pay a road tax in lieu thereof.

*Be it enacted by the Legislature of Alabama:*

Section 1. That a highway commission be and is hereby created and established for Monroe county, Alabama; that said commission shall be composed of three members, who shall be appointed by the Governor for the terms of years as follows: One for a term of two years, one for a term of four years and one for a term of six years, or until their successors are appointed and qualified, and as their several terms shall expire the appointments shall be for a term of four years for each. One of the members of the commission shall be appointed chairman. Should a vacancy occur in said commission by death, resignation, or otherwise the same shall be filled by appointment by the Governor of Alabama. Said commission shall have a common seal and the members thereof shall have the power to administer oaths.

Sec. 2. That the compensation of the members of said commission shall be five dollars for each day they are actually engaged in the performance of the duties of their office; and in addition thereto their actual expenses necessarily incurred in the discharge of their duties, but the members of said commission shall not charge or collect for more than one hundred days in any one year; that the members of said commission shall be paid by the chairman of said commission out of the funds under the control of said commission as provided in this act; that they shall be paid upon warrants drawn by the chairman of said commission and countersigned by its secretary; that said warrants for such compensation shall be issued upon itemized accounts as sworn to by members claiming the same, and shall specify whether it is for per diem compensation or for actual expenses incurred in the discharge of their duties; and in case



it is both, then the amount of per diem compensation and the amount of expense shall be shown separately.

Sec. 3. That the said commission shall have charge of all roads and highways in Monroe county, Alabama, including the streets connecting roads on different sides of incorporated towns, but shall have no jurisdiction over other streets in incorporated cities or towns; and shall be charged with the duty of making, building, changing, improving and maintaining all public roads, culverts and bridges in Monroe county, and in abolishing, establishing and opening new public roads; that the said commission in the name of and for the county of Monroe shall make any and all contracts, and shall have and is hereby given exclusive power and authority to make any and all contracts to build, grade, work and improve, open and abolish, repair or change, any and all public roads, culverts and bridges in Monroe county. That all contracts to do and perform any work and labor upon the public roads culverts or bridges of Monroe county, shall be awarded and given to the lowest responsible bidder at public lettings, provided the amount of work to be done shall not be less than five hundred dollars in value, in which case if the commission is of the opinion that it is best, they may let any work under the value of said amount at private letting. It is further provided that the commission may reject all bids or they may reject the bid of any contractor who is inexperienced or incompetent or who is known to have a bad record in the performance of public work.

Sec. 4. That said commission shall in all cases require of the contractor a bond payable to the county of Monroe with good and sufficient surety in an amount not less than twenty-five per cent of the estimated value of the work to be done, and conditioned for the faithful performance of the contract. That no contract for the building, grading, improving or repairing public roads, culverts or bridges in Monroe county shall be binding upon the county, or subject to payment out of any funds belonging to the county, unless it shall contain stipulations stating in detail the building, grading, improving or repairing and the method of doing same, the time within which the work shall be complete, and such other stipulations as the commission may see fit to insert. That it shall be provided in said contract also that at least ten per centum of the contracted price shall be retained until the work is completed and accepted by the commission as being completed in accordance with the contract. That all contracts for building, grading, improving or repairing pub-

lic roads, culverts and bridges in Monroe county, shall be made with reference to and embracing section three and four of this act.

Sec. 5. That the said commission shall be provided with suitable office room at the court house of Monroe county or elsewhere in the town of Monroeville, if more expedient, which office shall be under the charge of a county highway engineer hereinafter provided for and shall be kept open at such times as the business or convenience of the highway department and the interest of the public shall require. That such office shall be properly furnished, and shall be the repository for all records of the county highway department. That the said highway commission shall hold regular meetings at such time as they may deem essential to the proper carrying out of the provisions of this act.

Sec. 6. That the said commission shall elect or appoint a civil engineer who shall be known as the county highway engineer, and who shall be experienced and skilled in highway construction and maintenance, who shall hold his office subject to said commission, and shall be paid not exceeding twenty-four hundred dollars per annum, payable monthly out of the funds of the commission as other payments are made. That said highway engineer shall before entering upon the duties of his office subscribe to and execute an oath of office and be put under a bond of three thousand dollars with sufficient surety to be approved by the chairman of said commission, conditioned upon the faithful performance of his official duties; the premium on said bond shall be paid out of the funds under the control of said commission; said bond shall be recorded in the minutes of the commission. The said county highway engineer shall be secretary of said commission and shall keep full and accurate minutes of the meetings and all things done at such meetings of the commission in a well bound record book, and shall also transcribe in full and in detail every account or debt paid by said highway commission, and all warrants drawn for any debt to be paid by said commission shall state the name of the person in whose favor the warrant is drawn, the amount thereof and the items of the account for which it is drawn, which shall be duplicated on the stub of said warrant, and the chairman of said commission, after approving in writing as hereinbefore provided, the warrant, shall pay the same. That when not actually being used by the commission the book of warrants and all stubs thereof, with the book of minutes, shall

be kept in an iron safe. That the said commission shall make a sworn statement detailing all transactions made by them every year, showing the warrants drawn by them, to whom and for what paid, which statement shall be filed in the office of said commission and shall be open to public inspection.

Sec. 7. That the members of said commission shall subscribe to and execute an oath of office before entering upon the duties of administering the affairs of said highway commission to do and perform all duties faithfully as such officers, and such oath shall be in separate writing before any officer authorized to administer oaths and shall be recorded in the minutes kept by said commission.

Sec. 8. That a majority of the members of said commission shall constitute a quorum for the transaction of business in any and all matters.

Sec. 9. That the said highway commission may work for and in the name of the county of Monroe on any and all public roads, culverts and bridges in said county, or may hire out to the contractors who may contract to build, grade, improve or repair any and all of the public roads, culverts or bridges of said county, county convicts; but the county commissioners or board of revenue of said county shall approve all contracts and bonds to be made and given for the hire of convicts to work on said roads, culverts and bridges.

Sec. 10. That said commission shall have authority to contract with the municipal authorities in said counties for the hire of municipal or city convicts upon such terms as may be agreed upon between said commission and such municipality.

Sec. 11. That said highway commission shall divide and is hereby authorized and empowered to divide the public roads of the county into as many road districts as it may deem advisable, and all inhabitants in said county subject by law to work on the public roads of said county shall be apportioned or assigned to public road duty in their respective districts and shall work upon the respective roads in the district within which they respectively reside. That the said commission is hereby authorized to direct on what road any person residing in a road district herein to be provided, and which may be provided by the commission, and subject to road duty, shall work; and if any road in such road district is worked by a contractor under a contract made with said commission, said commission is hereby authorized to require any person residing in said road district to work for and under said contractor in said road

district, and shall direct on which road in such road district such person subject to road duty shall work, and all those so designated to work under such contractor who shall have not paid their road taxes and shall not pay such taxes when ordered by said commission shall work the number of days directed by said commission, not exceeding ten days in any one year. That said commission if necessary may employ persons in the several good road districts to aid in ascertaining the name of all persons subject to road duty, and may pay out of the funds coming under their control for good roads purposes persons so employed.

Sec. 12. That said commission shall have the right to fix the width, the amount of stone, chert or gravel and the grade of any particular road.

Sec. 13. That the said commission in building or constructing the public roads provided for in this act are required to locate road beds on the most suitable ground and to run in the most practical direction, and said commission shall have the right to enter, locate and build, or caused to be built, on or through the premises of any person, firm or corporation, paying therefor reasonable compensation by agreement with the owner, and when the commission and the parties owning such property cannot agree, proceedings to condemn may be had in the name of said commission for the use of said county as applicants under section 3860 of the Code. The intent and meaning of this act is that the said commission in building or constructing public roads shall not be required to follow the public roads as now located, but may make such changes in the location of such roads as will place them on the best grounds for construction and maintenance.

Sec. 14. That said commission shall have the right to take and use in constructing or building, or caused to be taken for such construction or building, such quantities of chert, stone, gravel or other material adjacent to, contiguous or conveniently near as may be necessary, paying such reasonable compensation for the same as may be just and proper, and when said commission and owners of such material cannot agree upon the amount of such compensation, the same shall be fixed by proceedings in the name of said commission for the use of said county as appellants under section 3860 of the Code. When so condemned the right to take and use such material shall extend to the building and constructing of the road, and also to the maintenance thereof.

Sec. 15. That after the commission herein provided for shall have organized, they shall proceed to make examination and inspection of the public roads of said county by preliminary surveys to be made by the county highway engineer that they may determine what portion or portions of said roads shall be changed, macadamized, cherted or graveled, and the county highway engineer shall locate such changes as may be determined upon, and may employ with the approval of the commission such needful help as may be deemed proper in and about such surveys, such help to be paid for out of the funds arising out of the provisions hereinafter made. That after the completion of the locations or surveys of said roads, or any one of them, within their discretion, the said commission shall offer so much of or such portion to the lowest responsible bidder as provided in this act.

Sec. 16. That no member of said commission shall be directly or indirectly interested in the contracts for making, building, grading, improving and repairing the public roads, bridges and culverts; that said commission if it finds the same to be necessary may employ a clerk to keep the books and do all clerical work, and such other work as may be required of such clerk by said commission, and the said commission may prescribe, and shall have the power to prescribe the duties of such clerk, and all other agents, employees or servants, that it shall have authority to employ.

Sec. 17. That it shall be the duty of said highway commission each year to ascertain the name of all inhabitants of said county, who are liable for road duty, and assess a road tax of five dollars against each one so liable for road duty and to deliver a list of the names of all of them to the tax collector of said county, and said tax collector shall collect same when other taxes are collected; such tax of five dollars shall be a part of the taxes of such persons. Receipt books for such taxes shall be prepared by the commission and delivered to the tax collector and the tax collector shall prepare a receipt for each person so assessed for the five dollars as road taxes and shall collect from each person liable for road duty in Monroe county the said sum of five dollars each year, and on the first day of each month the said tax collector shall pay the treasurer of said county for the use of said commission the taxes so collected by him; that the said tax collector shall by the first day of March in each year return to the said commission in said county the name of any person liable to road duty who shall not have

paid his five dollars road tax; that the said commission shall thereupon apportion such person or persons as have not paid their road tax to the several districts in which the roads may be divided; that said commission shall employ foremen on all roads or such portions of roads as are not worked by contract and all such persons so apportioned shall be warned and worked on the public roads and be liable for such penalties as are now or may hereafter be provided by law. Provided, when warned to work on the road such person may pay the road taxes to the tax collector and thereby be relieved from all road duty. All persons liable to road duty who fail to pay the five dollars road tax and who are apportioned to that part of a road as may be worked by contract shall be required to work under the contractor when notified so to do by said commission, unless they shall when so required and notified, pay to the tax collector their said road tax of five dollars and a fee of one dollar for being in default. The said commission shall make contracts with the contractor for the compensation to be paid to the county for all such hands apportioned to him. The funds arising from the payment of the road taxes shall be paid by the tax collector as hereinabove mentioned to the treasurer of said county as a part of the road funds of said county. The tax collector shall be entitled to a fee of ten cents to be retained by him for each five dollars collected by him under the provisions of this act.

Sec. 18. That all male persons residing in Monroe county between the ages of eighteen and fifty years, except those who are exempt from road duty under the general laws of the State of Alabama, are liable to work on the public roads of Monroe county ten days in each year, in person or by able-bodied substitute acceptable to the commission or contractor; provided that no person shall be exempt from such road duty upon the ground of physical disability unless he shall procure from the highway commission a certificate of such disability.

Sec. 19. That no person shall be required to work the road for more than five days on any one notice, but if such person desires to work the ten days and is needed he can work out his entire time.

Sec. 20. That all persons arriving at road age during the year, or coming into the county after the first day of July in any year, may relieve themselves from liability for road duty during that year by paying to the tax collector within thirty days after the arrival at road duty age, or come into the coun-

ty, the sum of two and 50/100 dollars. That any such person who fails to relieve himself from road duty shall be apportioned and directed to work the road in the same manner as other road hands; provided, he shall only be required to work not more than five days.

Sec. 21. That all horses, mules, oxen which are used on the public roads of said county and all wagons, carts, drays, or other vehicles, which are drawn or used on the public roads of said county, belonging to any individual, company or corporation of the county, or which belong to any non-resident of the county but are in the county at the time notice is given to parties warning them to work the road, are hereby made subject to road duty in Monroe county to be used in the district where the owner resides but if the owner is a non-resident of the county, to be used in a district where they are temporarily located, and they shall be subject to such duty for a time to be prescribed by the commission, not exceeding five days during any one year. Provided, that in lieu of the work mentioned, any person may pay on or before the first day of March in any year, the following vehicle tax. Each single horse and buggy, \$1.00; each single horse or mule and wagon, \$1.00; each single horse or mule dray, \$1.00; each double horse and buggy, \$2.00; each double horse or mule and wagon, \$2.00; each double horse or mule dray, \$2.00; each log wagon or carts, \$5.00 and any other vehicle not specified, \$2.00, which said amounts shall be paid to the tax collector in the same manner as other taxes are paid. It shall be the duty of the commission to ascertain the names of all persons of said county who are liable for such vehicle tax, assess same and deliver a list to the tax collector in the same manner as provided in section 17 of this act, and the county shall have a lien upon such vehicle or animal for the amount of such tax, which lien shall be superior to all other liens, except State and county taxes, and may be enforced by said commission in the name of said county by appropriate proceedings in the chancery court of said county. Any person desiring to pay said vehicle tax shall do so on or before March 1st, each year, after which date there shall be an additional charge of fifty cents in each case for being in default. For making said collections the tax collector shall be entitled to the same fees as is provided in section 17 for the collecting of road taxes.

Sec. 21½. That that portion of the automobile tax which may be paid to the county of Monroe shall be placed to the credit of the good roads fund by the county treasurer and shall be

subject to the use and control of the highway commission of the county in working, building and repairing the roads, bridges and culverts of said county.

Sec. 22. That it shall be the duty of every person or corporation carrying on business in Monroe county, employing in their service two or more persons, to furnish to the highway commission of said county a list of all persons in his, her or its employment, who are liable to road duty under the provisions of this act, and any person or corporation who fails, neglects or refuses to furnish such list to the said commission or its representative on demand shall be liable to pay a penalty for such failure or refusal to said county of five dollars for each person in his, her or its employment liable to road duty, whose name he, she or it refuses or neglects to furnish on demand of said commission or its representative; such sum to be recovered by suit in the name of the county on the order of said commission, for the benefit of said road fund. The commission to furnish blanks for such purpose.

Sec. 23. That the court of county commissioners or board of revenue of Monroe county are authorized and directed at the time of making the annual levy of taxes for general county purposes, to levy a special tax on all taxable property of the county of one-fourth or one percentum, or two and one-half mills, on the assessed value of such taxable property, such tax shall be levied and collected for the purpose of paying any debt that may hereafter be created for the building, improving, changing, establishing or repairing the public roads, bridges and culverts of said county, and shall be levied and collected as other county taxes, which taxes so levied and collected shall be applied exclusively to the purpose for which the same are so levied and collected. Such tax, so collected, shall be held by the county treasurer as a special road fund for the county and shall be expended by said highway commission as provided in this act. That this section shall be construed as mandatory on the court of county commissioners or board of revenue to levy and collect annually the special tax herein provided.

Sec. 24. That all funds, monies or revenues now provided by law, or that may hereafter be provided by law, for or assessed or levied or collected under law for road or bridge purposes in Monroe county shall be paid to the county treasurer of said county by the persons collecting the same, and shall be kept as a separate fund subject to the control of said highway commission for the purpose only of building, grading, improv-



ing and repairing public roads, bridges and culverts, and whenever and wherever by law funds, monies or revenues are raised, assessed or collected for road or bridge purposes, the same shall be immediately paid to the treasurer of said county as soon as collected by the person or officer authorized to collect the same. Necessary stationery for the use of said commission and all books required to be kept by it, together with necessary office equipment, shall be paid for out of said funds.

Sec. 25. That the county commissioners or board of revenue of said county shall set apart from time to time at their regular sessions during the year all funds which it can legally devote or apply to road or bridge purposes and pay such sum so set apart to the treasurer of said county for the use of said highway commission, or cause the same to be done. And the said court of county commissioners or board of revenue of said county shall appropriate and set apart and cause to be paid to the treasurer of said county for the use of said highway commission all the taxes levied and collected by said court for road and bridge purposes. All other funds which may be by law set apart or provided for, or appropriated for the improvement of public roads or bridges of Monroe county, or for the building, grading, improving and repairing the same shall be known as public road funds of Monroe county and shall be paid over to, kept and appropriated by the treasurer of said county for the use of said highway commission of said county, and no other person, officer or department of the county shall exercise any authority or disposition of said public road fund, except the said highway commission, and said commission shall use said funds exclusively for the building, grading, improving and repairing of public roads, bridges and culverts and for the payment of debts incurred for such purposes.

Sec. 26. That nothing herein contained shall be construed as to prohibit the said highway commission from adopting any other method of working and repairing the said public roads; that they shall have power to adopt any method which may be deemed best by them; and to purchase all machinery, teams, tools and other items as in their judgment may be necessary for making, building, grading, working and improving, opening and repairing public roads, but the said highway commission shall not have the power or authority to bind the county of Monroe, or to contract debts for which it will be liable in excess of the anticipated public road funds for the current year, and the public road funds of the current year shall be applied first to the payment of said debts so contracted by said commission,

and if the public road funds for the current year are not sufficient to pay all the debts so contracted in anticipation of said public road funds, the county of Monroe shall not be liable for the balance of said debt. The said highway commission in any one year may make and contract debts to make, build, grade, work and improve, open and repair public roads, culverts and bridges in the name of and for Monroe county, but the county shall not be liable for any debt contracted by said commission in the name of said county or for said county except to the extent of the collection of said good roads fund herein provided or which may hereafter be provided by law.

Sec. 27. That all laws, civil and criminal, now in force in this State relating to public roads and not in conflict with the provisions of this act shall be and remain in full force and effect and all moneys, funds, revenues, teams, machinery, mules and implements now on hand and owned by Monroe county and forming a part of the good roads fund or property, shall be and constitute a part of the public roads fund provided for by this act, and shall be delivered to the said highway commission.

Sec. 28. That all roads in Monroe county shall continue to be worked under the authority and direction of the commissioners court of said county until the highway commission herein provided is organized and ready to take charge of said roads.

Sec. 29. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 24, 1915.

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No. 115.)

AN ACT

(H. 716—Blunt.

To provide for the election of the county solicitor, for Washington county, to define his duties and fix his compensation.

*Be it enacted by the Legislature of Alabama:*

Section 1. That at the regular election to be held in Washington county, in November, 1916, and every four years thereafter, the qualified electors of Washington county, Alabama, shall elect a county solicitor, whose term of office shall begin on the first Monday after the second Tuesday in January next after his election and shall be for four years and until his successor is elected and qualified.

Sec. 2. Said officer must be at the time of his election a qualified elector of Washington county, shall be learned in the law and must have been a resident of said county of Washington for three years next preceding his election.

Sec. 3. In case of a vacancy occurring at any time in said office the governor shall fill such vacancy by appointment, such appointee to hold office until the next general election for any State office, held at least six months after such appointment, and until his successor is elected and qualified.

Sec. 4. That it shall be the duty of said county solicitor to prosecute for the State of Alabama in the county court of Washington county.

Sec. 5. That it shall be the exclusive authority of said county solicitor to represent the State in all proceedings in the county court of Washington county.

Sec. 6. That in the event the county solicitor is temporarily absent or disqualified for any cause, the clerk of the county court of Washington county shall appoint a solicitor pro tempore, who shall have and exercise all the privileges of the county solicitor, while so acting, and whose compensation shall be all the fees that are taxed as solicitor's fees in the convictions while he is acting as solicitor pro tempore.

Sec. 7. That said county solicitor in all cases in said county court shall receive the same fees that the circuit solicitor is now entitled to receive, which fees shall be paid to him by the sheriff or the clerk when collected.

Sec. 8. That this law shall go into effect on the 11th day of January, 1916.

Sec. 9. That all laws or parts of law contrary to or in conflict with the provisions of this act be and the same are hereby repealed.

Approved April 5th, 1915.

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No. 128.)

(H. 293—Grayson of Mobile.

### AN ACT

Creating and establishing the juvenile court of Mobile county, and defining its powers and jurisdiction; providing for the process and procedure of said court; for the equipment of said court; for officers of said court and their salaries and defining their powers and providing a commission to aid in carrying out the work of the court and prescribing its duties.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby created the juvenile court of Mobile county which shall have original and exclusive jurisdiction of all cases coming within the terms and provisions of this act. The said court shall be presided over by a judge who shall be appointed as hereinafter provided, and who shall receive a salary of \$50.00 per month, which said salary shall be paid by the board of revenue and board of commissioners of Mobile county, and whose term of office shall be one year. Said judge shall be learned in the law, but shall not be prohibited by virtue of said office from practising in other courts except in cases arising out of the juvenile court.

Sec. 2. That said jurisdiction of the court shall be to determine and adjudicate all cases of children of 16 years of age or under who are juvenile delinquents. Any child of said age or under shall be deemed a juvenile delinquent who violates any law of this State, except capital crimes, or any of the ordinances of the city of Mobile, or of any city or incorporated town in the county of Mobile, Alabama; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons, or who habitually begs in the public streets or thoroughfares; or who knowingly enters a house of ill repute; or who knowingly visits or patronizes any policy shop or place where any gambling device is, or shall be, operates; or who patronizes or visits any saloon where any intoxicating liquors are sold, or where pool and billiards are played; or who patronizes or visits any pool room or bucket shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks or jumps or hooks onto any moving train or electric car, or who enters any car, or engine, without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or is guilty of immoral conduct in any public place or about any school house; or who is in danger of growing up in crime. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided.

Sec. 3. Any person having knowledge or information that a child is a juvenile delinquent may file in the said juvenile court a verified petition stating the charge against such child, whereupon the judge of said court may cause an investigation to be made by the probation officer or other persons and also

may require the child to appear before the court at the time and place named in the summons, either by notice upon the parent or lawful guardian of the said child, or by warrant of arrest. When by notice to parent or guardian, a failure to so produce said child may be adjudged contempt of court and subject such parent or guardian to punishment for such contempt. When any arrest is made of any child, bond may be given for said child's appearance in court at the time provided in said summons and on failure to give said bond, the child may be detained at the county detention home until said trial.

Sec. 4. Any probation officer of said court, sheriff of Mobile county, and chief of police of the city of Mobile, the deputies and officers under said sheriff or chief of police, are hereby vested with authority to execute and return all processes of said court, to preserve order, make arrests and perform such other services as may be required by the court, and the same is hereby made their duty.

Sec. 5. At the time set for hearing of any case the court shall proceed to hear the case, conduct the examination and inquire into all conditions of the said child necessary to secure such understanding of the case as to enable him to render judgment that will best conserve the welfare of the child and carry out the objects of this act.

Sec. 6. The court is vested with the authority to place the said child on probation at its home or in a suitable family, subject to the visitation and control of the probation officers and of the court, until discharged from said probation; or the court may commit the child to any institution that may care for children that may be within or without the county, if the same be incorporated under the laws of the State or maintained by the State or any sub-division thereof, or to the care of any society or association, and when committed without the county, the costs of transportation of said child shall be a charge upon the county. Any child committed under this act shall remain subject to the control of the court.

Sec. 7. Nothing contained in this act shall prohibit an arrest with or without a warrant of any child by any other court of the county, but whenever a child of the age of 16 years or under is brought before any other court, of the county, the judge thereof shall transfer the case to the juvenile court by an order that said child be taken forthwith to the detention home of the county and shall further order that all papers of process in the hands of such court shall be forthwith transmitted to the

juvenile court, whereupon the case shall stand for trial as other cases in the juvenile court of Mobile county.

Sec. 8. The judge of the juvenile court shall have the power to devise rules and regulate procedure for all cases coming into said court and for the conduct of all officers of the said court; to devise and cause to be printed such forms or records and to procure such stationery as may be necessary and to secure such material as may be necessary for the carrying out the provisions of this act, which said expenses shall be paid by the board of revenue and road commissioners of Mobile county. Said board of commissioners of Mobile county shall provide suitable quarters for the juvenile court, and shall suitably equip and furnish same for the carrying out of the provisions of this act.

Sec. 9. In trials under this act the child informed against or any person lawfully interested in said child, shall have a right of appeal to the city court of Mobile. In the event of such appeal being taken, the judge of the juvenile court shall remand such delinquent child to the detention home to await the trial of an appeal, unless bond is given, and transfer to the clerk of the city Court of Mobile, Alabama, the record of the proceedings of the trial of such child, together with the names and addresses of the witnesses in the case and the names and addresses of the parents of such child, or those lawfully interested in such delinquent.

Sec. 10. To better advance the work of said court there shall be appointed as part of said court by the said board of revenue and road commissioners of Mobile county, a commission of seven, four of whom shall be men and three women, from the membership of the boys club of Mobile, who shall serve without compensation and who shall be called the juvenile court commission of Mobile county, and the members of the said commission shall hold office at the pleasure of said board of county commissioners. The duties of said commission shall be as follows: First: They shall appoint the judge of said court, who shall hold office for the term herein provided; also the chief probation officer and all other officers and employees of the court. Probation officers may be either men or women. Second. To visit institutions or societies receiving children under this act and to advise and co-operative with the judge of the court upon all matters affecting the workings of this court and to recommend measures for the carrying out of its provisions. Third. To exercise any other power or jurisdiction that may be hereafter conferred by law.

Sec. 11. The juvenile court commission of Mobile county shall appoint a probation officer or probation officers, as may be necessary, the number of said officers to be decided by said board of revenue and road commissioners of Mobile county. The chief probation officer shall be paid a salary of not less than \$90.00 per month and other probation officers such salaries as may be fixed by said board of county commissioners. The court may appoint volunteer probation officers without compensation.

Sec. 12. For all processes served by the sheriff, he shall be paid as for processes of other courts in the county.

Sec. 13. No adjudication under the provisions of this act shall operate as a conviction for a criminal offense against any child nor disqualify said child from holding any office in the State or sub-division thereof, nor shall any evidence given at any hearing be used against said child in the trial of any other cause.

Sec. 14. Except the judge of said court, all officers or employees of said court shall hold office at the will of the juvenile court commission of Mobile county.

Sec. 15. Should any provision or provisions of this act be declared void or unconstitutional the remainder shall not be affected thereby.

Sec. 16. It is the intention of this act that all proceedings coming under the provisions thereof shall be upon the theory that said child is the ward of the State, and all provisions in this act shall be construed liberally that its beneficial purpose may be carried out, and that any delinquent child shall not be treated as a criminal but as misdirected and in need of assistance.

Sec. 17. That all laws and parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Sec. 18. The provisions of this act shall become effective sixty days after approval.

Approved March 29, 1915.

No. 131.)

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AN ACT

(H. 676—Kyser.)

To authorize and direct the court of county commissioners of Monroe county to pay for advertising the notice and substance of local bills introduced in the Legislature for said county, out of any money in the treasury not otherwise appropriated, when the bill applies to the entire county and ordered published by the representative of said county, and this act shall apply to and include the notice and substance of bills advertised at and during the present session of the Legislature.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Monroe county be authorized and directed to pay for advertising the notice and substance of local bills introduced in the Legislature for said county out of the money in the treasury not otherwise appropriated, when the bill applies to the entire county and is ordered published by the representative of said county, and this act shall apply to and include the notice and substance of bills advertised at and during the present session of the Legislature.

Approved March 23, 1915.

No. 132.)

(H. 188—Blackwell.

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AN ACT

To ratify and confirm the acts of the commissioners court of Calhoun county in appointing a hard labor agent for said county and in compensating him therefor.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the acts and doings of the commissioners court of Calhoun county, heretofore entered on the minute books of said court, appointing a hard labor agent for Calhoun county, and providing for his compensation, be and the same are hereby ratified and confirmed.

Sec. 2. That the acts and doings of the hard labor agent of Calhoun county heretofore appointed by the commissioners court of said county in the receipt and payment of the hire received by him from the convicts sentenced to hard labor by the courts of said county, done in pursuance of said appointment, be and the same are hereby ratified and confirmed.

Approved March 24, 1915.

No. 133.)

(H. 454—Neely.

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AN ACT

To authorize the court of revenue of Lawrence county to issue warrants to R. M. Byars, former clerk of the circuit court of said county, eighty dollars (\$80.00) for fuel furnished for said office, and to J. C. Cannon, former sheriff of said county the sum of twenty-eight (\$28.00) dollars for fuel furnished said sheriff's office.

*Whereas*, the court of revenues of Lawrence county, allowed and ordered issued county warrants to said R. M. Byars, as such



clerk at various times during his term of office for said sum of eighty (\$80.00) dollars paid by him for fuel used during his time in said office, and also the issuance of county warrants to J. C. Cannon as such sheriff at various times during his term of office for said sum of twenty-eight (\$28.00) dollars, paid by him for fuel used during his term in said office; and

*Whereas*, the examiner of public accounts of the State of Alabama, checked up and charged to the said R. M. Byars the said sum of eighty (\$80.00) dollars and to the said J. C. Cannon the sum of twenty-eight (\$28.00) dollars, which they were required to pay back to the county treasurer of said county; and

*Whereas*, the officers of the said county of Lawrence, were the single exceptions in the State of Alabama, where county officers were charged with fuel used in their offices, therefore

*Be it enacted by the Legislature of the State of Alabama:*

Section 1. That the court of revenues of Lawrence county, Alabama, be authorized and empowered to issue county warrants to R. M. Byars for the sum of eighty (\$80.00) dollars, and to J. C. Cannon for the sum of twenty-eight (\$28.00) dollars, to reimburse them for amounts shown to have been paid by them into the county treasury upon the requirements of said State examiner for fuel used by them in their respective offices.

Sec. 2. Be it further enacted, that the county treasurer of Lawrence county, Alabama, be and he hereby is ordered and directed to pay such warrants when issued out of the general funds of said county.

Approved March 24, 1915.

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No. 138.)

(H. 627—Fite of Tuscaloosa

### AN ACT

To repeal "an act to fix the compensation to be allowed sheriffs, probate judges and circuit clerks of Alabama, in the counties of Tuscaloosa, Covington, Coffee, Crenshaw and Shelby for all official duties for the compensation of which no express provision is made by law," approved March 2nd, 1901, in so far as the same relates to Tuscaloosa county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That "an act to fix the compensation to be allowed sheriffs, probate judges and circuit clerks of Alabama, in

the counties of Tuscaloosa, Covington, Coffee, Crenshaw and Shelby, for all official duties, for the compensation of which no express provision is made by law," be and the same hereby is expressly repealed, insofar as the same relates to Tuscaloosa county, Alabama.

Sec. 2. That this act shall take effect and become a law immediately upon its passage and approval by the Governor.

Approved March 24, 1915.

No. 139.)

(H. 670—Pruett.

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AN ACT

For the relief of William J. Green, ex-treasurer of Clay county, Alabama, and to authorize the court of county commissioners of Clay county, Alabama, to make out and issue a warrant payable out of the general funds of Clay county, Alabama, to the treasurer of said county, in favor of William J. Green, for the sum of \$262.50, and to authorize and direct the treasurer of said county to pay to said William J. Green said sum from said funds.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Clay county, Alabama, be and it is hereby authorized to make out and issue a warrant to William J. Green, payable out of the general funds of said county in the sum of \$262.50, which said sum was paid by William J. Green while treasurer of said county out of the general funds of said county during the years 1909, 1910, and 1911 to the commissioners of said county for services rendered by them in looking after roads and bridges, subsequent to the enactment of the law amending section 3322 of the Code, on warrants drawn by the court of county commissioners, without the order, resolution or requirement of said services having been entered by said commissioners court on the minutes of the court, and which said William J. Green paid back into the treasury of said county after discovering that said order for said services had not been entered on said minutes.

Sec. 2. That the treasurer of Clay county, Alabama, be and he is hereby authorized and directed to pay to William J. Green, ex-treasurer of Clay county, Alabama, said sum of \$262.50 out of the general funds of said county, after a warrant therefor has been issued by the court of county commissioners of said county.

Approved March 23, 1915.

No. 148.)

(H. 669—Walden.

## AN ACT

To regulate the working of the public roads of Morgan county with the labor of the county convicts, and to provide for the use of crushed stone on such roads.

*Be it enacted by the Legislature of Alabama:*

Section 1. That from and after the passage of this act it shall be the duty of the court of county commissioners of Morgan county to work the county convicts of said county on the public roads of said county in such manner as that in every two years they shall work an equal number of days in each of the four commissioners' districts of said county, the place of their work in each district to be decided by said court.

Sec. 2. That the court of county commissioners of said Morgan county shall, during the months of January, February, March and April of each year, use the labor of the county convicts of said county or so much thereof as may be necessary and proper in crushing, with the stone crushers now owned by said county, stone or rock to be used on the graded public roads of said county, such stone or rock to be purchased or procured by said court of county commissioners; provided, that should one or both of said crushers now owned by said county be inefficient and unfit for the profitable crushing of rock and cannot be repaired so as to do such work, then the said court of county commissioners is hereby directed and authorized to purchase a rock crusher or crushers of sufficient capacity to do the work required for crushing rock or stone to be used on the graded roads of said county.

Sec. 3. That when rock or stone has been crushed as provided for in section 2 of this act, it shall be the duty of said court of county commissioners to have such crushed rock or stone placed as speedily as practicable, by the labor of the county convicts, on the graded public roads of said county, taking into consideration the condition of such graded roads and the amount of travel thereon.

Sec. 4. That whenever a public road in said county, or any part thereof, has been properly graded and ditched on both sides by citizens of the county, and said citizens have made application to the court of county commissioners of said county for crushed stone to be placed on said road or part thereof, it shall be the duty of said court to hear such application, and if it shall appear to the court that it will be to the interest of the

county and for the betterment of such road to have crushed stone placed on such road or part thereof, it shall be the duty of said court of county commissioners to furnish to said citizens, at the crusher, free of charge to said citizens, sufficient crushed stone to cover such road or part thereof, such stone so furnished to be applied to such road under the direction of the commissioner in whose district such road is located.

Approved March 24, 1915.

No. 164.)

(H. 704—Fite of Marion.

AN ACT

To amend section 1, of an act entitled an act "To authorize and require the commissioners court of Marion county to set apart and appropriate money from the general fund of said county with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county fees, which, by law, became a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments, and fixing the amounts of said witness fees, and also to fix the fees of witnesses in the circuit court of said county, approved March 2, 1901.

*Be it enacted by the Legislature of Alabama:*

Section 1. That section 1, of an act entitled an act "to authorize and require the commissioners court of Marion county to set apart and appropriate money from the general fund of said county, with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury, and by the clerk of the circuit court of said county fees, which, by law, become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments, and fixing the amounts of said witness fees, and also to fix the fees of witnesses in the circuit court of said county," approved March 2, 1901, be and the same hereby is amended so as to read as follows: That it shall be the duty of the court of county commissioners of Marion county to set apart and appropriate from the general funds of the said county a sum not exceeding one thousand dollars, at each of the regular terms of said court in April and November of each year, with which to pay and discharge certificates of State witnesses, issued by the foreman of the grand jury, and by the clerk of the circuit court of said county.

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Approved March 23, 1915.

No. 178.)

(H. 379—Fite of Tuscaloosa.

## AN ACT

Designating the probate judge of Tuscaloosa county, Alabama, as ex-officio custodian of the county funds of Tuscaloosa county, Alabama, and providing for his giving bond for the performance of his duties arising hereunder, and prescribing his duties as such; providing for the receipt and disbursement by him of the money of the county; providing for the payment by him of all grand and petit juror certificates, and prescribing his other duties as such ex-officio custodian of the county funds; providing for the furnishing of necessary books to be used in connection with his duties as such; providing for the employment of an expert accountant annually to examine his books and vouchers as such ex-officio custodian of the county funds; providing for recording of his annual account and the posting of the same at the court house door, fixing his compensation as such and prescribing the forms of his accounts; providing for the deposit by him of the county's funds in the various banks doing business in Tuscaloosa county, Alabama, upon payment by such banks to Tuscaloosa county, Alabama, of a rate of interest of two and one-half per centum per annum upon daily balances upon such banks giving bond as herein required; providing for the use, application, and disposition of any and all monies to be derived from interest on the money of the county deposited in such banks; and providing when this act shall take effect.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the probate judge of Tuscaloosa county, Alabama be and he is hereby designated as ex-officio custodian of the county funds of Tuscaloosa county, Alabama.

Sec. 2. Before entering upon the duties of his office as ex-officio custodian of the county funds of Tuscaloosa county, Alabama, the probate judge as such ex-officio custodian of the county funds must give bond with some reputable, stable bonding company as surety in a sum equal to the estimated amount of the annual revenue of the county, to be determined by the court of county commissioners, payable to Tuscaloosa county, Alabama, and conditioned as prescribed by law, which bond is to be approved by the court of county commissioners and recorded in the office of the clerk of the circuit court and filed in the office of the clerk of the circuit court; and the premium for such bond shall be paid by the court of county commissioners; and the court of county commissioners shall require an additional bond whenever any special fund is to be received by the probate judge as ex-officio custodian of the county funds, and pay the premium therefor.

Sec. 3. It shall be the duty of the probate judge as such ex-officio custodian of the county funds: (a) To receive and keep the money of the county, and disburse the same according

to law. (b) To pay out of the general fund of the county, on presentation and without being audited and allowed by the court of county commissioners, all grand and petit juror certificates. (c) To keep in well bound books separate registers of claims presented against the general fund, the special fund if any, and the fine and forfeiture fund. (d) To number and register, in the order in which they are presented, all claims against the general fund which have been audited and allowed by the court of county commissioners as claims against such fund, such register showing the number of the claim, the date presented for registration, to whom allowed, when allowed, the character of the claim and the amount thereof; and, except as otherwise provided by law, to pay the same in the order of their registration. He must in like manner number, register and pay all claims allowed against a fund raised for a special purpose. (e) To number and register, in the order in which they are presented, all claims against the fine and forfeiture fund which have been duly authenticated as claims against such fund, and without being audited and allowed by the court of county commissioners, such register showing the number of the claim, the date presented for registration, to whom payable, when it accrued, the character of the claim, and the amount thereof; and to pay the registered claims of State witnesses in the order of their registration, and whenever there is a surplus of such fund, over and above the sum required to pay the registered claims of State witnesses, he must apply such surplus to the payment of the claims of officers of the court in the order of their registration. (f) Upon the registration of a claim he must endorse thereon the date and number of registration and sign his name thereto. (g) When a claim is received in payment of a debt due the county, he must give a receipt therefor, showing a description of the claim and the name of the person and character of the debt on whose account the claim was received. (h) On the payment of any claim he must take a receipt therefor; and when a claim of any character is paid or received by him, he must cancel the same by defacing or mutilating it so as to show that it is of no further value, and, if registered, write upon the register against the claim the word "paid" and the date of such payment. (i) to keep a correct account of the receipts and disbursements of all monies received by him for the county, according to the forms herein prescribed, charging himself with all monies so received, of whom, on what account, and the amount, crediting himself with all payments, stating the number and character of the claim, in

whose favor, and the amount. (j) To examine the dockets of the circuit and county courts and sheriffs semi-annually; to demand and receive all monies due the county, and to institute proceedings against defaulters. (k) To submit to the court of county commissioners, at the first term in each year, the register of claims; his account for the year balanced; vouchers for the payments; an estimate of the indebtedness of the county for the coming year, and the means of providing the same. (l) To make reports and give information to the court of county commissioners, when required, respecting all matters relating to the finances of the county. (m) To furnish the court of county commissioners in January of every year a verified statement of all monies received by him for the county during the preceding year, and of all claims received by him in lieu of money, which are receivable in payment of county taxes, which statement must designate the time and person from whom such claims or monies were received. (n) To keep his office within one mile of the court house of the county. (o) To perform such other duties as are or may be by law required of him.

Sec. 4. The probate judge as such ex-officio custodian of the county funds must not refuse the payment of any lawful and valid claim for the reason that claims of prior registration have not been paid, if there is money in the treasury belonging to the fund sufficient to pay such prior claims and the claim so presented.

Sec. 5. The books of the probate judge as such ex-officio custodian of the county funds are to be provided at the expense of the county.

Sec. 6. The annual account of the probate judge as such ex-officio custodian of the county funds, when examined and approved by the court of county commissioners, must be recorded and a copy of the same posted at the court house door.

Sec. 7. The clerk of the circuit court must each year, without giving notice or information thereof to the probate judge as such ex-officio custodian of the county funds, appoint one expert accountant, of known integrity, to examine the books and vouchers of the probate judge as such ex-officio custodian of the county funds and report the condition of the same; and the person so appointed shall proceed without delay to make such examination and report, and to that end he is invested with all the powers and authority conferred by law upon the examiner of public accounts. He shall receive such compensation as may be allowed by the court of county commissioners

Sec. 8. The probate judge as such ex-officio custodian of the county funds shall receive a salary of one (\$1.00) dollar per annum for his services under this act payable at the end of each year of his term of office as probate judge.

Sec. 9. The probate judge as such ex-officio custodian of the county funds shall use the same forms of account as are prescribed for the use of county treasurers by section 218 of the Code of Alabama of 1907.

Sec. 10. It shall be the duty of the judge of probate as such ex-officio custodian of the county funds to place the moneys of the county which come into his hands by virtue of his office on deposit in the various banks doing business in Tuscaloosa county, Alabama, upon such banks paying to the county a rate of interest of two and one-half per centum per annum upon the daily balances of the amount of money such banks may have in their possession belonging to the county; and any and all money coming into the treasury of the county from interest derived from the deposit of the county's funds in such banks shall be applied to and become a part of the road and bridge fund of Tuscaloosa county, Alabama, and disbursed in the same manner as other monies belonging to the road and bridge fund of said county are disbursed. Provided that it shall be the duty of the probate judge as such ex-officio custodian of the county's funds to apportion the county's funds to each of the several banks doing business in Tuscaloosa county, in the proportion that each bank's capital stock and surplus, or capital stock and undivided profits, bears to the total amount of the capital stock and surplus of all the banks doing business in the county. And no bank shall be awarded any portion of such deposit which does not agree to pay the rate of interest for such deposited above specified. And provided further, that it shall be the duty of the probate judge as such ex-officio custodian of the county's funds to require each bank securing any portion of the deposit of the county's funds to require such bank to enter into bond, with some reputable, stable bonding company as surety, in a sum equal to the estimated amount of the county's funds such bank will have on deposit, said bond to be payable to Tuscaloosa county, Alabama, and to secure the county in the proper handling of the county's funds which may be deposited in such bank, and conditioned as may be required by the court of the county commissioners; such bond shall be approved by the court of county commissioners and recorded in the office of the



clerk of the circuit court and filed in the office of the clerk of the circuit court.

Sec. 11. That this act shall take effect and become a law immediately after the expiration of the term of office of the present treasurer of Tuscaloosa county, Alabama, but not until then.

Sec. 12. That if any section or provision of this act shall be declared to be void or unconstitutional, it shall not effect or destroy the validity or constitutionality of any other section or provision which is not in and of itself void and unconstitutional.

Approved May 24, 1915.

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No. 266.)

(H. 1376—Fite of Marion.

### AN ACT

To repeal an act entitled "An act to authorize and require the commissioners court of Marion county, to set apart and appropriate money from the general fund of said county, with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees, which by law become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments, and fixing the amounts of said witness fees and also to fix the fees of witnesses in the circuit court of said county," approved March 2, 1901.

#### *Be it enacted by the Legislature of Alabama:*

Section 1. That an act entitled "an act to authorize and require the commissioners court of Marion county to set apart and appropriate money from the general fund of said county, with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees which by law become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments, and fixing the amounts of said witness fees and also to fix the fees of witnesses in the circuit court of said county," approved March 2, 1901, be and the same is, hereby repealed.

Sec. 2. The provisions of this act shall take effect immediately upon its passage and approval.

Approved August 21, 1915.

No. 267.)

(H. 1377—Fite of Marion.

## AN ACT

To fix and regulate the fees of witnesses in criminal cases in the county court, and circuit court of Marion county, Alabama, and before the grand jury of said county, and to provide for the payment thereof.

*Be it enacted by the Legislature of Alabama:*

Section 1. That witnesses in criminal cases in the county court and in the circuit court of Marion county, Alabama, and before the grand jury of said county, are entitled to fifty cents per day and two and one-half cents per mile to and from their residence by the route usually traveled.

Sec. 2. The fees of such witnesses subpoenaed on the part of the State, who appear in the county court or in the circuit court or before the grand jury of said county, shall be a preferred claim against the fine and forfeiture fund of the county; and, provided, that if said fund shall be exhausted at the time of the presentment of certificates for said fees, then such fees shall be paid out of the general funds of the county.

Sec. 3. That in all other respects the provisions of the general statutes relating to the fine and forfeiture fund and the fees of such witnesses shall be of full force and effect in said county.

Sec. 4. That this act shall take effect immediately upon its passage and approval.

Sec. 5. That all laws, general, special or local, in conflict with the provisions of this act shall be, and the same are, hereby repealed.

Approved August 21, 1915.

No. 269.)

(H. 677—Kyser.

## AN ACT

For the relief of W. E. Jones, J. E. Fore, C. J. Jackson, W. R. Blackwell, William B. Green, and M. McFountain.

*Be it enacted by the Legislature of Alabama:*

Section 1. That W. E. Jones, J. E. Fore, C. J. Jackson, W. R. Blackwell, William B. Green, and M. McFountain be, and they hereby are, relieved from all liability on account of certain suits now pending against them in the name of Monroe county, Alabama, in the circuit court of said county, and that the attorney general of the State of Alabama is authorized and is hereby directed to instruct the solicitor of the first judicial circuit to dismiss said suits.

Approved August 24, 1915.

No. 270.)

(H. 1061—Walden.

## AN ACT

To tax all dogs in the county of Morgan and to provide for the collection and disposal of said fund, and to declare all dogs outlaws running at large unaccompanied by their owners.

*Be it enacted by the Legislature of Alabama:*

Section 1. That from and after the passage of this act, that all dogs in Morgan county shall be taxed as follows: All male dogs one dollar and fifty cents; females, two dollars and fifty cents; all bull dogs within incorporated cities and towns in said county, two dollars and fifty cents, to be assessed and collected as other taxes of said county.

Sec. 2. It shall be the duty of the county assessor of Morgan county to make diligent inquiry of all persons assessed in said county of the number and class of dogs owned by them, or that may be harbored on their premises, and to assess all dogs as prescribed in section one of this bill.

Sec. 3. Any person who fails or refuses to assess any dog in his ownership or possession upon conviction thereof, shall be fined not less than five nor more than ten dollars. Proceedings in all cases for said failure or refusal to assess shall be instituted only in the precinct of which the defendant resides.

Sec. 4. Any dog or bitch running at large upon the public highway or upon the premises of any person not his or her owner except accompanied by his or her owner, or is muzzled, is hereby declared an outlaw, and may be killed by any person, provided that this section shall not apply to any dog or bitch used by any person driving cattle, stock, hogs, or hunting.

Sec. 5. The probate judge of Morgan county shall cause this act to be published in one newspaper in every incorporated town in said county of Morgan, for three weeks, the cost of said publication to be paid by the county.

Sec. 6. The tax collector of Morgan county shall keep all collections from the dog tax separate and apart from all other funds received by him, and shall pay said funds to the treasurer of said county, who shall pay out said money received from the dog tax, first, to the payment of the cost of treatment and expenses of those who have been bitten by mad dogs, provided that application shall be made to the court of county commissioners for the payment of said expenses, and said court of commissioners shall issue a warrant to any applicant for expenses

and treatment, provided that said court shall deem the applicant entitled thereto. Second. The balance of said funds to be placed to the credit and use of the public school fund of Morgan county. This act shall not go into effect until sixty days after its approval by the Governor.

Approved August 24, 1915.

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No. 271.)

(H. 1049—Grady.

AN ACT

To divide the county of Chambers into four commissioner districts, and to provide for the election of a commissioner for each district.

*Be it enacted by the Legislature of Alabama:*

1. That the county of Chambers be and the same is hereby divided into four commissioners districts to be numbered first, second, third and fourth districts. That the first district shall be composed of that part of Chambers county embraced within the precincts as now existing and numbered as follows: Precincts No. 1, 2, 6. That the second district shall be composed of that part of said county within the precincts as now existing and numbered as follows: Precincts numbered 3, 4 and 5. That the third district shall be composed of that part of said county embraced within the precincts as now existing and numbered as follows: Precincts 9, 10 and 11. That the fourth district shall be composed of that part of said county within the precincts now existing and numbered as follows: Precincts numbered 7, 8, 12 and 13.

2. That at the general election in November, 1916, and every four years thereafter a commissioner shall be elected in each of first and second districts that at the general election in November, 1918, and every four years thereafter a commissioner shall be elected in each of third and fourth districts. The commissioners to be nominated by the qualified electors of their respective districts, and shall hold office for a term of four years and until their successors are elected and qualified. Each of said commissioners shall be a qualified elector of the districts from which he is elected.

3. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved August 27, 1915.

No. 272.)

(H. 748—Gordon.

## AN ACT

To authorize the court of county commissioners of Escambia county to purchase blood hounds, or dogs that have been trained to track humans, to pay for the same out of the general funds of the county and to make monthly appropriations out of the county funds for the purpose of defraying the expenses of keeping said dogs.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Escambia county is authorized and empowered to purchase such number of blood hounds, or dogs that have been trained to track human beings, and to appropriate out of the general funds of the county such sums as in their judgment may be reasonable for the purchase of same.

Sec. 2. That the court of county commissioners is authorized and empowered to make such monthly allowance out of the general funds of Escambia county as may be in their opinion reasonable and just for the purpose of keeping and maintaining the blood hounds, or dogs, purchased by the county.

Approved August 25, 1915.

No. 274.)

(H. 1375—Fite of Marion.

## AN ACT

To repeal an act, entitled "An act, to amend section 1, of an act entitled 'An act to authorize and require the commissioners court of Marion county to set apart and appropriate money from the general fund of said county, with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees, which by law become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments, and fixing the amounts of said witness fees, and also to fix the fees of witnesses in the circuit court of said county,' approved March 2, 1901,—said amended act being approved March 24, 1915.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act entitled "an act to amend section 1, of an act entitled 'an act to authorize and require the commissioners court of Marion county to set apart and appropriate money from the general fund of said county, with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees which by law become a good claim against

the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments, and fixing the amounts of said witness fees, and also to fix the fees of witnesses in the circuit court of said county," approved March 2, 1901, said amended act being approved March 24, 1915, be, and the same, is hereby repealed.

Sec. 2. The provisions of this act shall take effect immediately upon its passage and approval.

Approved August 21, 1915.

No. 275.)

(H. 495—Welch

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### AN ACT

To establish an inferior court in precincts 2 and 33 in Jefferson county, Alabama, said precincts lying within or partly within the city of Bessemer, in lieu of all justices of the peace in said precincts, and to define the jurisdiction and power of the said court, and of the judge, clerk and other officers thereof, and to provide for a place for holding the same.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby established an inferior court in precincts 2 and 33 lying within or partly within the city of Bessemer, Jefferson county, Alabama, which shall be known and designated as the inferior court of Bessemer. Said court shall be held in the place furnished and designated by the board of revenue of Jefferson county as the place for holding same. The said court shall have all the powers and jurisdiction now conferred or that may hereafter be conferred by law on justices of peace; and the judge of said court shall have and exercise all the power and authority, perform all the duties now prescribed, or that may hereafter be prescribed, by law for justices of peace, and shall have all the power and authority of the matters transacted in said court.

Sec. 2. The judge of said court shall at the time of his appointment or election be learned in the law and shall be licensed to practice in the Supreme Court of Alabama, at least twenty-five years of age at the time of his appointment or election, and shall have resided in one of said precincts at least twelve months preceding his election or appointment. Said judge shall reside in one of said precincts during the term of his office, and his removal therefrom shall vacate the office. The judge of said court shall hold his office for a term of four years and until his successor is elected and qualified. The first judge of said

court shall be appointed by the Governor, and such appointee shall hold his office until the next regular election for State and county officers in the year 1918 and until his successor is elected and qualified at said election. At the regular election for State and county officers in the year 1918 and each four years thereafter, there shall be elected a judge of said court by the qualified electors of said precincts. All vacancies in the office of judge of said court shall be filled by appointment of the Governor.

Sec. 3. That the judge of said court shall receive an annual salary of two thousand dollars, payable monthly out of the county treasury upon his warrant drawn upon the county treasurer.

Sec. 4. That the judge of said court shall appoint a clerk who shall give bond in the penal sum of two thousand dollars, payable to the State of Alabama, and conditioned to faithfully discharge the duties of his office, which bond shall be approved by and filed in the office of the judge of probate of Jefferson county, Alabama; also conditioned to pay over all moneys to the proper officers and persons to whom it is payable, and to faithfully account for all moneys coming into his hands by virtue of his office and upon the said bond there shall be the same liabilities and remedies as upon a bond of a clerk of the circuit court; said clerk shall receive a salary of one thousand dollars annually, payable out of the county treasury, in monthly installments, upon his warrant drawn upon the county treasurer.

Sec. 5. That the clerk of said court shall issue all processes out of said court, except the warrants of arrest and writs of commitment which shall be issued by the judge of said court; the clerk shall approve all bonds in civil cases; and he shall keep a docket of said court; shall certify all appeals and certioraries; but all judgments, when required to be signed shall be signed by the judge. The fees and costs now allowed by law to justices of the peace, in said Jefferson county, shall be taxed and collected as now provided by law, in such cases, or as may hereafter be provided by law in such cases, and shall, by the clerk of said court be paid into the county treasury. The constables of said precincts, and the sheriff of said county, shall be the officers of said court and shall execute all processes from said court and make due return thereof; and for their compensation shall receive the same fees as now provided by law for like services in the courts of justices of peace in Jefferson county, which said fees shall be paid to the constables and sheriff and

not into the county treasury. That the judge of said court shall determine what officer or officers shall execute any criminal process issued by said court or the judge thereof.

Sec. 6. That the judge of said court may punish for contempt in cases where the judge of the circuit court can punish for contempt by fine not exceeding fifty dollars and by imprisonment not exceeding five days. Said judge shall be conservator of the peace, and shall have the power to sit as committing magistrate in cases now provided by law for justices of peace in said county, and may take affidavits and issue warrants in felony cases returnable before himself, when he has final jurisdiction of the offense, or, in cases where he does not have final jurisdiction, to any court having final jurisdiction thereof. For his services in taking affidavits and issuing warrants he shall be entitled to the compensation now provided by law to justices of peace, which shall be taxed and collected as such cost are now taxed and collected in criminal cases, which cost so taxed and collected shall be paid into the county treasury.

Sec. 7. That the law relating to appeals and certiorari in cases from courts of justices of peace shall apply to appeals and certiorari of cases from the court established by the provisions of this act.

Sec. 8. That said court shall have, as against all justices of peace, notaries public ex-officio justices of peace, and other inferior courts in lieu of justices of peace in said county, exclusive jurisdiction of all civil cases defined as to amount and kind in section one of this act, where the defendant or defendants reside in precincts 2 or 33 of Jefferson county, Alabama, except where the cause of action arose in or the contracts sued on was made in the precinct of the residence of the justice attempting to exercise jurisdiction or in the precinct or precincts over which the other inferior court has been established in lieu of justices of peace; or where one or more of the co-defendants reside in the precinct of said justice of peace or notary public ex-officio justice of peace, or in one of the precincts over which the other inferior court has been established in lieu of justices of peace. Any plaintiff, his agent or attorney, who institutes a suit against a defendant or defendants who reside in precincts 2 or 33 in Jefferson county, Alabama, before any justice of peace, notary public ex-officio justice of peace, or inferior court created in lieu of justices of peace other than this court, of a precinct other than that in which the cause of action arose, or the contract was made, or of which the defendants or one or



more of the co-defendants is a resident, may be restrained by the judge of the court from prosecuting said suit, and the judge of this court may issue a rule to said plaintiff, his agent or attorney, to show cause why a suit, garnishment or other process alleged to have been brought in violation of this section should not be dismissed and may upon a hearing of said rule order the plaintiff, his agent or attorney, to dismiss said suit, garnishment, or other process, if wrongfully instituted and may punish for contempt any disobedience of said order or orders. The plaintiff, his agent, or attorney, shall have the right to appeal to the city court of Bessemer, the circuit court or courts of like jurisdiction, from said order of dismissal within five days from the rendition of the same, upon execution of a bond in the sum to be fixed by the court, not in excess of two hundred dollars, payable to the defendant and conditioned to pay the defendant all such damages as he may suffer by reason of the wrongful taking of such appeal.

Sec. 9. That said court shall have jurisdiction in civil cases where the amount involved does not exceed one hundred dollars, except in cases of libel, slander, assault and battery, and ejectment, within precincts 2 and 33. Jefferson county, Alabama.

Sec. 10. That the owner of any judgment or decree for fifty dollars, or over, rendered by this court, may file the same in the office of the judge of probate under the same procedure and in the same manner as now provided or which may hereafter be provided for filing judgments of courts of record, which judgments, when so filed and registered, shall be a lien upon all the property of the defendant when registered, which is subject to levy and sale under execution; such lien shall continue for six years from the date of the registration, the registration of the judgment or decree shall be notice to all persons of the existence of a lien.

Sec. 11. That said court shall always be open; that said court shall have power to set aside, vacate or modify its judgments upon motion made within five days after the rendition of the same, which said motion must be promptly determined; and said court may hold court and render default or other judgments at any time between the hours of nine A. M. and six P. M.; all processes of the court where no time is otherwise fixed shall be returnable at nine A. M. of the return day. That it shall be the duty of the board of revenue of Jefferson county, Alabama, at the expense of Jefferson county, to provide suita-

ble rooms to hold said court, and also to provide all necessary dockets, books and other supplies for the use of said court, and shall provide for the payment of the rent of said court rooms, in case same are rented, and other incidental expenses.

Sec. 12. That in the absence, disqualification, or inability of the judge of said court, he shall appoint in writing a special judge who shall have full power to act for and in the place of the regular judge, said person so appointed shall at the time of his appointment be a practicing attorney, residing in one of the beats over which this court has jurisdiction. In case the judge of said court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said court, and shall not have appointed a special judge to act, it shall be the duty of the judge of probate, upon the request of the clerk, to appoint some practicing attorney residing in precincts 2 or 33, as special judge, who shall perform all the duties imposed upon the judge of said court, during the illness, disqualification, or inability of said judge. In either case the special judge acting shall receive the same compensation as the regular judge of said court.

Sec. 13. In case of emergency the judge of said court may appoint a suitable person to act as constable without bond, except as hereinafter provided; and the person so appointed must perform the same duties and is liable to the same pains and penalties and is entitled to the same fee and compensation, as regular constables; but such special constable is not authorized to levy or collect executions, attachments or writs of detinue, unless prior to the levying or collecting of execution, attachments, or writs of detinue, he execute a bond in the sum of twice the value of the property to be levied on payable to the defendant as is required by law, with sureties to be approved by the judge appointing such special constable.

Sec. 14. The summons must be issued by the clerk of the court, and accompanied by the complaint of the plaintiff, or the cause of action endorsed on the summons setting forth the cause of action. The summons must be executed by the constable, special constable, sheriff or other officer by leaving a copy of the summons and complaint, or summons with the cause of action endorsed thereon, with the defendant, which fact must return with the process.

Sec. 15. And it shall be the duty of the clerk of said court to issue an execution on all judgments rendered in said court, after five days from the entry thereof, and place the same in

the hands of the constable or sheriff who shall return said execution within thirty days thereafter, said return to show that he has collected said judgment, and has paid the same or the amount collected, or is unable to find property of the person against whom said process issued, out of which said execution can be satisfied in whole or in part.

Sec. 16. That if it shall appear to the auditor that in any case in said court where an execution has been returned unsatisfied, as to the cost of said cause, and in the opinion of the auditor said cost can be collected by an alias execution, the auditor may direct the clerk, of said court to issue such alias execution, and may direct the constable or sheriff as to what property can be levied upon to satisfy said judgment.

Sec. 17. That in each cause filed in said court there shall be a fee of fifty cents taxed which shall be taxed and collected as other costs are collected, and shall be with other cost paid into the county treasury.

Sec. 18. That on the passage and approval of this act all offices of justice of the peace and notary public ex-officio justice of the peace in precincts 2 and 33 of Jefferson county are abolished, and after the passage and approval of this act no other justice of the peace or notary public ex-officio justice of the peace shall be elected or appointed in said precincts 2 or 33 of said Jefferson county, however, the justices of the peace and notary public ex-officio justice of the peace holding office in said precincts 2 and 33 of said county shall continue to hold their office and exercise the duties thereof until the appointment of a judge of this court and until he becomes qualified by taking the oath prescribed. And it shall be the duty of all justices of the peace and notary public ex-officio justices of the peace in said precincts holding office and exercising the powers of justices of the peace to immediately upon the passage and approval of this act, and upon the qualification and appointment of a judge for said court to deliver to the judge of said court, or to the clerk thereof, all books, papers and unfinished business and every kind of property belonging to their offices as such justices of the peace or notary public ex-officio justice of the peace, under the laws provided for transfer of papers from an out-going justice of the peace to his successor in office.

Sec. 19. That all laws, general, special or local in conflict with this act be and the same are hereby repealed. That this act shall take effect upon its due passage and approval. And that the Governor shall make appointment of the judge within twenty days after the passage and approval of this act.

Sec. 20. That if any one of the several sections of this act shall be held void or ineffective, it shall in no wise affect any other section not void in itself.

Approved August 27, 1915.

No. 276½.)

(S. 602—Weathers.

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AN ACT

For the relief of ex probate judge Jno. T. Kaylor.

*Be it enacted by the Legislature of Alabama:*

Section 1. That immediately after the approval of this act, the judge of probate of Randolph county to-wit: Jno. T. Heflin shall draw his warrant on the county treasurer of said county, to-wit: J. M. Yates in favor of Jno. T. Kaylor for the sum of nine hundred and fifty-two (952.00) dollars, being the amount paid by Jno. T. Kaylor as interest on money loaned the said county, and for repairing and superintending the jail of said county during his term of office, to-wit: From January, 1905 to January, 1911.

Approved August 25, 1915.

No. 277.)

(S. 588—Pride.

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AN ACT

To empower and direct the court of county commissioners of Madison county, to pay for the publication of notices of intention to apply for certain local laws applicable to the entire county, when such bills are enacted into laws at the present or future sessions of the Legislature.

*Be it enacted by the Legislature of Alabama:*

(1) The court of county commissioners of Madison county are hereby empowered and directed to pay out of the general fund of the county the cost of publication of notice of intention to apply for local laws for said county, when such notices are published by authority of a member of the Legislature of the county, and when the law applies to the entire county. This is to apply to and include all local bills that become laws at the present and future sessions of the Legislature, and specifically to bills relating to public roads of the county, that become laws, and none other.

Approved August 25, 1915.

No. 279.)

(S. 645—McCain.

## AN ACT

To provide for the better building, maintenance and protection of the public roads and bridges of Cleburne county, Alabama; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Cleburne county, Alabama, at its February term in the year 1916, and at its February term every two years thereafter, appoint one overseer of public roads in each election precinct, in said county, who shall serve for a period of two years from their appointment.

Sec. 2. *Be it further enacted*, That the general laws of Alabama, with reference to the mode of warning hands to work on the roads, the length of notice to be given, and the kind of implements to be brought by the hands, shall apply in all cases in said county; and also the general law as to defaulters in road working, and the punishment, and the prosecution of the same, shall be enforced and applicable to this road law.

Sec. 3. *Be it further enacted*, That the court of county commissioners of Cleburne county, Alabama, are hereby authorized and empowered to appoint, in any year, a county road supervisor, to serve said county during the months from July 1st, to October 1st, of the year of his appointment, said supervisor to be a practical and experienced road man not a member of the court of county commissioners; said court of county commissioners are further authorized and empowered, to fix and stipulate the duties to be performed by said road supervisor and may place him in control of all road overseers and road and bridge work should they deem it to the advantage of the county to do so, also to fix the compensation of said road supervisor, except that same shall not exceed \$3.00 for each day of nine hours actual service rendered. Each road supervisor appointed under this section, shall, if so ordered by the court of county commissioners of Cleburne county, Alabama, execute bond with sufficient surety in such sum as may be required by said court, for the faithful performance of his duties and to account for all money coming into his hands belonging to the road fund, as may be required by the court of county commissioners aforesaid, and for tools or other property coming into

his possession and belonging to the county, said bond to be made payable to Cleburne county, Alabama; said court of county commissioners may appoint such supervisor for the whole of the above named period or for any part thereof, or not at all, as they may deem best in the interest of the county.

Sec. 4. *Be it further enacted*, That the overseers, shall preserve carefully, all the tools, and implements for working on the road turned over to them at any time by the court of county commissioners, or by his successors, or any other authorized party or parties, and shall use the same only to work on the public roads, and shall deliver the same to his successor and take his receipt therefor, or otherwise dispose of said machinery on the order of the court of county commissioners of Cleburne county, Alabama.

Sec. 5. *Be it further enacted*, That each overseer shall receive for his services, one dollar and fifty cents for each day of nine hours that he is actually employed in working on the roads or bridges of his precinct, provided he shall not receive pay for more than sixty-six days in any one year, but it is expressly understood that no overseer is to receive any pay for warning hands, though he may direct that such service may be performed by one of his regular road hands and may give such hand credit for the time actually engaged in the performance of said service as against the time he is required to do road service.

Sec. 6. *Be it further enacted*, That each overseer shall execute bond with sufficient surety in the sum of one thousand dollars, payable to Cleburne county, Alabama, for the faithful performance of his duties and to account for all money coming into his hands belonging to the road fund and for tools or other property coming into his possession and belonging to the county.

Sec. 7. *Be it further enacted*, That it shall be the duty of each overseer during the month of January of each year to canvass his precinct and make a list of those persons subject to road duty, giving the name and age of each hand and the name of the road nearest to which they reside, said list to be filed with the probate judge of Cleburne county on or by February 1st, of the year that same is made, for which said services together with the making of such other reports as may be required by this act, road overseers during the terms of their office as such overseers shall be exempt from road duty. It shall

also be the duty of each overseer to work and control the gang or gangs in their charge and to build, maintain and repair the roads and bridges in their respective precincts as they may be directed by the court of county commissioners and as is required by this act.

Sec. 8. *Be it further enacted*, That each overseer shall keep a strict account of the time rendered by him in the actual service of working on the public roads and bridges of Cleburne county, Alabama, under this act, said account to show the number of days and the number of hours per day worked, and shall swear to the same and present it to the court of county commissioners for allowance; also each overseer shall keep a strict account of the time rendered by each road hand in his precinct in the actual service of working on the roads and bridges under this act, said account to show the number of days and the number of hours per day worked by each hand, and shall swear to the same and present it to the commissioners court on or by the first Monday of October in each year. It shall be the duty of the court of county commissioners to check up said lists and see that all hands in each precinct have performed the required amount of labor or paid the commutation fee.

Sec. 9. *Be it further enacted*, That each overseer, after working his roads, shall make out a report of the money expended by him on his roads, to the court of county commissioners of said county, showing in said report how the money was expended, to whom it has been paid and to whom it is due. Such report shall be verified by the affidavit of the overseer and shall be accompanied by itemized verified statements of the parties to whom said money is due or has been paid. For money already paid out at the time this report is made receipts of the payee shall also be required. The commissioners court at a term hereby called for this purpose, and the transaction of any other business that shall be lawfully brought before said court, on the first Monday in October of each year, shall audit and pass the account of each overseer, and when they are audited and passed, the judge of probate shall draw his warrant on the county treasurer of Cleburne county, or other custodian of such funds, against the road funds created by this act, for the amount allowed each overseer. Said warrants shall be payable to the overseers in the various beats. It shall be the duty of the overseers immediately on the payment of their warrants, to pay all unpaid debts covered and allowed in their reports, to the persons properly entitled thereto.

Sec. 10. *Be it further enacted*, That it shall be the duty of every person, firm or corporation, land owner or agent employing hands to furnish the overseer upon his application a list of male hands in their employ or living on their lands, and failing so to do, such person, firm, corporation or land owner, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars, said fine to be paid in money into court, and by said court paid through the legal channels into the road fund of Cleburne county, Alabama.

Sec. 11. *Be it further enacted*, That all male inhabitants of Cleburne county, Alabama, between the ages of twenty-one and sixty-five years, are subject to road duty under this act, as overseers.

Sec. 12. *Be it further enacted*, That should any road hand or substitute for any road hand, after reporting for road duty, fail, or refuse, to do good and sufficient work, or should he be intoxicated, or use abusive, insulting, or obscene language, or fail or refuse to obey any reasonable order of the overseer, he shall be guilty of a misdemeanor, and shall upon conviction thereof, be fined not less than ten nor more than fifty dollars, said fine to be paid in money into court, and by said court paid through the legal channels into the county treasury where it shall be placed to the credit of the road and bridge fund of said county. It shall be the duty of the overseers with whom said person was working to prosecute offenses of this kind. The courts of the justices of the peace shall have concurrent jurisdiction with the county and circuit courts for the trial of such cases.

Sec. 13. *Be it further enacted*, That the court of county commissioners, may at any time remove any overseer of roads, for neglect of duty, incompetency, drunkenness, or any other reasonable cause, and in case of death, resignation, or removal of any overseer, the commissioners court shall have the power and authority, at any time, to fill the vacancy thereby caused. In the case of the removal of any overseer, or resignation, he shall, become at once liable to road duty, and his name added to the list of hands of his beat.

Sec. 14. *Be it further enacted*, That all male persons residing in Cleburne county, Alabama, between the ages of eighteen and forty-five years, except those who are exempt from road duty under the general laws of the State of Alabama, are liable to work on the public roads and bridges of Cleburne county eight days each year, in person or by able bodied substitute



acceptable to the overseer of the precinct where such person resides; provided that no person shall be exempt from road duty on the ground of physical disability unless he shall procure a certificate of such disability from the county board of health sitting as a board. Any person who may be liable for road duty under the provisions of this act, may discharge such liability by paying the tax collector of Cleburne county the sum of five dollars on or before the first day of February of the year for which he is liable for road duty. Said amount may be paid at any time after the first day of October preceding. The tax collector shall issue to him a receipt furnished by the court of county commissioners stating his full name, age, and the road district in which he resides and the road year for which he has discharged his liability for road duty.

Sec. 15. *Be it further enacted*, That immediately after the first day of February in each year the tax collector shall file with the judge of probate an alphabetical list according to road districts of all persons paying to him said amount of five dollars in lieu of work for the current road year, together with a statement of the amount collected by him. It shall be the duty of the tax collector to pay into the county treasury immediately all monies collected by him under the provisions of this act which said money shall be placed in said treasury to the credit of the road and bridge fund. The tax collector shall receive for his services 2% of the amount collected by him under the provisions of the preceding section.

Sec. 16. *Be it further enacted*, That after the first day of February in each year it shall be the duty of the probate judge to prepare a separate list of all persons residing in each road precinct who have failed to pay to the tax collector the sum of five dollars as a discharge of liability for road duty for that year, which said lists must be furnished by the probate judge to each respective precinct road overseer on or by the 15th of February of the same year, whereupon it becomes the duty of said road overseer to apportion the persons on the list received by him to the roads in the road district in which they reside and over which he is overseer; provided that no person shall be required to work upon a road more than six miles from his place of residence. The road overseer shall thereafter warn said road hands to work the roads to which they are apportioned at such times as he in such notification may designate, provided that no person shall be required to work the road at any one warning for more than five days.

Sec. 17. *Be it further enacted*, That all persons arriving at road duty age during the year, or coming into the county during the year may relieve themselves from liability for road duty by paying to the tax collector within thirty days after they arrive at road duty age, or come into the county, the pro rata amount due for the remainder of the year calculated upon a basis of five dollars per annum.

Sec. 18. *Be it further enacted*, That any person arriving at road duty age during the year, or coming into the county during the year, who fails to relieve himself of liability for road duty shall be apportioned and warned by the overseer in the beat where he resides to work the road in the same manner as other road hands, provided that he shall only be required to work a pro rata number of days calculated upon the same principle as the monetary discharge of liability provided for in the preceding section.

Sec. 19. *Be it further enacted*, That at the regular term of the commissioners court of said county, in April of each year, said court shall ascertain the amount of money that will be received for said year, in said county, for road purposes, said court shall also at said term fix an amount that shall be expended by them for road tools, and also the approximate amount necessary to pay the road overseers, and then apportion and allow the remainder of said money to the various beats in said county having consideration, always, as to the condition of the roads in each beat, number of miles of public roads, the difficulty of keeping the roads in repair and the amount necessary to keep the roads in good condition, but in no event shall a precinct be allowed an amount from such funds less than the sum total of the commutation fees collected from said precinct, after said allotment, they shall at once notify each overseer of the amount of money apportioned to his beat for said year; each overseer shall then with the consent of the commissioners court make contracts for lumber and timber necessary for the roads and bridges in his precinct, same to be used for building and repair work and for mile posts and sign boards, and the remainder of the money the overseer shall spend in hiring day laborers, teams, plows and scrapes, as may be directed by the court of county commissioners.

Sec. 20. *Be it further enacted*, That all public roads in said county, shall be worked between the first day of February and May of each year, and between the first day of July and October of each year, except in the cases of obstructions and emer-

gencies as is shown in section 21 of this act, in which the hands may be worked at any time for temporary repairs. Between the first day of February and the first day of May of each year the hands shall be worked for four days or as much thereof as may be considered necessary by the overseer and commissioners court. Between the first day of July and the first day of October the hands shall be worked eight days less the time worked between the first day of February and the first day of May of said year by each hand and less the time worked on temporary repairs on the roads as provided by section 21 of this act.

Sec. 21. *Be it further enacted*, That in case of any obstruction of the public roads in any way, washouts or other emergencies occur, making the road impassable or difficult of passage, the overseer shall have the power and authority, at any time, and it is his duty, to call out as many of his hands, living nearest the obstruction or impairment of the road, as he deems necessary, to remove the obstruction or repair the road temporarily; and in case any road hand is thus called out and shall perform such work, he shall be entitled to have such time as he has thus worked temporarily, deducted for his whole time of work for the year; and if small bridges or causeways become dangerous or out of repair, the same course shall be pursued.

Sec. 22. *Be it further enacted*, That the work on the roads shall be done as continuously as possible, and the money apportioned by this act shall be used as the roads are being worked between the first day of February and the first day of May, and the first day of July and the first day of October, of each year, except that the commissioners court are authorized to hold back such money from the road fund as they may deem necessary for road repairs during the fall and winter months of each year.

Sec. 23. *Be it further enacted*, That the commissioners court shall distribute the road tools now on hand, or those hereafter purchased under the provisions of this act, among the various beats as will be most conducive to the best interest of the public roads. This distribution shall be made to the overseers of the public roads and their receipts taken for the same.

Sec. 24. *Be it further enacted*, That when day laborers are employed on the roads they shall receive for their compensation one dollar per day, for the time actually put in, each days work to consist of nine hours. Teams shall be not over two dollars per day of nine hours for a double team and wagon, plow or scrape.

Sec. 25. *Be it further enacted*, That the convicts of the county may be worked upon the public roads, bridges or ferries of the county, or they may be worked under the direction of the court of county commissioners in quarries, gravel pits, or any plant owned by the county and used for the production of road materials, although said quarry, pit or plant, may be located in another county or said convicts may be hired to or from another county or from the State, or to contractors under contracts to be made between such contractors and the court of county commissioners or other county, or the State.

Sec. 26. *Be it further enacted*, That convicts shall not be worked in squads or companies with other persons required by law to perform road duty.

Sec. 27. *Be it further enacted*, That the court of county commissioners of the county may enter into a joint agreement with the road authorities of one or more adjoining counties whereby the convicts of the several counties may be combined in one gang, provided that an equitable division of the time of the gang between the several counties shall be arranged. The several counties entering into such an agreement may invest jointly in such equipment as may be necessary for properly working and caring for such joint convict gang.

Sec. 28. *Be it further enacted*, That the court of county commissioners of Cleburne county, shall at the time of making the annual levy of taxes for general county purposes, levy a special tax on all the taxable property of the county of not exceeding one-fourth of one per centum on the assessed value of of such taxable property. Such tax shall be collected for the purpose of paying any debt or liability now existing or that may hereafter be created for the erection, construction, or maintenance of necessary public roads or bridges, and such taxes shall be levied and collected as other county taxes, which taxes so levied and collected shall be applied exclusively to the purpose for which the same is levied and collected.

Sec. 29. *Be it further enacted*, That all monies received by the county from license taxes on automobiles shall be paid into the county road and bridge fund and used only for the construction and maintenance of public roads and bridges.

Sec. 30. *Be it further enacted*, That persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire and not for their own use or for the improvement of their farms, and persons regularly engaged in the business of hauling over the roads of the county shall pay a li-

cense of two dollars per month for each two horse wagon, five dollars per month for each four horse wagon, and six dollars per month for each automobile truck so used in hauling. It is not intended hereby to require a license for private hauling connected with or usual to the ordinary operation of a farm, or any one hauling cord or stove wood, or cross ties, whether for sale or not. It shall be unlawful to do any hauling herein forbidden without first procuring such license. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than fifty dollars, to be paid in lawful money, which fine when collected, shall be paid through the regular lawful channels into the county treasury and shall be placed to the credit of the road and bridge fund.

Sec. 31. *Be it further enacted*, That the court of county commissioners is hereby authorized and empowered to appropriate from the general fund to the road and bridge fund, whether there is a surplus in the general fund or not, such sums as they may see fit, taking into consideration the general expenses of the county and the demands liable to be made upon the general fund.

Sec. 32. *Be it further enacted*, That the road year in Cleburne county shall begin on the first day of January in each year and end on the 31st day of December succeeding.

Sec. 33. *Be it further enacted*, That it shall be unlawful to lock the wheels of any wagon or cart, or to use the earth shoulders of improved roads on descending grades, and it shall be unlawful to haul on any wagon or cart a load exceeding two hundred and fifty pounds per inch width of tire, counting all wheels. Any person firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than ten dollars nor more than fifty dollars to be paid in lawful money, which fine when collected, shall be paid through the regular lawful channels into the county treasury and shall be placed to the credit of the road and bridge fund.

Sec. 34. *Be it further enacted*, That the court of county commissioners shall have full power and authority to make any order that they may deem wise and proper for the benefit of the public roads and bridges of the county not inconsistent with the general laws of the State and the provisions of this act.

Sec. 35. *Be it further enacted*, That nothing in this act shall be presumed to prohibit the court of county commission-

ers of Cleburne county from contracting with such persons and in such manner as they may deem best, for the building or repairing of bridges or for the building or maintenance of roads.

Sec. 36. *Be it further enacted*, That it shall be the duty of the road overseers to report all violations of any section of this act which may come under their observation.

Sec. 37. *Be it further enacted*, That any overseer or other officer who fails to perform his duty as such under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten and not more than one hundred dollars, said fine to be paid in money, and to be paid through the regular channels into the county treasury and placed to the credit of the road and bridge fund.

Sec. 38. *Be it further enacted*, That it shall be the duty of the court of county commissioners of Cleburne county to have this act printed for the use of said court and other courts of the county and for the officers herein named, and same may be paid for out of the general funds of the county of Cleburne.

Sec. 39. *Be it further enacted*, That as soon as practicable the court of county commissioners shall prepare and adopt such rules and regulations, not in conflict with this law, for the construction, improvement and maintenance of roads and bridges as they shall deem most suitable for the requirements of and bring the most practical results to the county.

Sec. 40. *Be it further enacted*, That the court of county commissioners of said county, shall have and exercise in all things a general supervision and control over the roads and overseers thereof, and over the county supervisor herein in section three provided for.

Sec. 41. *Be it further enacted*, That within one year after the approval of this act, the court of county commisisoners shall cause to be erected at the intersection and crossing points of all roads, substantial sign boards with suitable device and lettering thereon to indicate the direction and distance to the nearest town or city.

Sec. 42. *Be it further enacted*, That the court of county commissioners shall provide out of the general fund, all the necessary books, blanks, stationery, etc., for the purpose of this act and are authorized to appropriate from such funds other amounts that may be spared for the purposes of this act.

Sec. 43. *Be it further enacted*, That all laws and parts of laws not in conflict with this act shall remain in full force and effect, and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 44. *Be it further enacted*, That if any section or provision of this act shall be held to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision which is not in and of itself void and unconstitutional.

Approved August 25, 1915.

No. 281.)

(H. 1287—Hubbard.

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AN ACT

To limit the number of days for which members of the court of county commissioners of Pike county may be paid for services as members of said court, for mileage in going to and from said court, for their services rendered in the discharge of their duties in letting out, inspecting and accepting, building or repairing of any county bridges or county buildings or works, and mileage necessarily traveled by them in so doing, during any one year or part of a year; to say when this act shall go into effect; and to repeal all laws and parts of laws in conflict with the provisions of this act in so far as Pike county is concerned.

*Be it enacted by the Legislature of Alabama:*

Section 1. That no member of the court of county commissioners of Pike county shall be paid or receive any compensation for his services as a member of said court of county commissioners, or any mileage in going to and from said court, and for services performed by him while occupied in the discharge of his duties in letting out, inspecting and accepting, building or repairing of any county bridges or county building or works, or for mileage necessarily traveled by him in so doing, in excess of fifty days during any one year, or a pro rata part of such fifty days for any part of a year that such person may serve as a member of said court of county commissioners.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed in so far as Pike county is concerned.

Sec. 3. That this act shall go into effect on the first day of January, 1916.

Approved August 27, 1915.

No. 282.)

(H. 1275—Grayson of Mobile.

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AN ACT

To authorize the board of revenue and road commissioners of Mobile county to provide telephones and other conveniences and necessities for the courts of Mobile county.

*Be it enacted by the Legislature of Alabama:*

That the board of revenue and road commissioners of Mobile county is hereby authorized and empowered to procure and provide telephones and all other conveniences and necessities for the courts of Mobile county, and for the proper dispatch of the business of said courts, and to pay for same out of the general funds of the county.

Approved August 27, 1915.

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No. 283.)

(H. 1177—Ryan.

AN ACT

To dissolve the corporation of the town of Joppa, Cullman county, Alabama.

*Be it enacted by the Legislature of Alabama:*

1. That the municipal corporation, known as Joppa, Cullman county, Alabama, is hereby dissolved.

2. That all books, records and papers of the corporation shall be carefully collected, arranged, and filed in the office of the judge of probate of Cullman county for permanent preservation.

Approved August 27, 1915.

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No. 284.)

(H. 1175—Sorrell.

AN ACT

To ratify and make legal certain claims and script registered against the fine and forfeiture fund of Tallapoosa county and to authorize and empower the treasurer of said county to pay same.

*Be it enacted by the Legislature of Alabama:*

That all claims and script registered with the treasurer of Tallapoosa county against the fine and forfeiture fund of said county prior to April first, 1915, be and the same are hereby ratified and made legal and the treasurer of said county is hereby authorized and empowered to pay same out of said fine and forfeiture fund.

Approved August 24, 1915.



No. 285.)

(H. 1145—Youngblood.

## AN ACT

To re-arrange and re-district the commissioners' court districts of Pickens county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the commissioners court districts of Pickens county, Alabama, be and the same are hereby re-arranged and re-districted so as to be as follows: (a) That the first district shall be composed of the following beats: Henrys, Providence, Vails, Ethelsville, Beards, Pine Grove and Reform and shall embrace the territory in said county now covered by said beats. (b) That the second district shall be composed of the following beats: Spring Hill, Pickensville, Franconia, Memphis, Cochrane or Fairfield, Whittens, Vienna and Bothany, and shall embrace the territory now covered by said beats. (c) That the third district shall be composed of the following beats: Sheltons, Palmetto, Corrs, Gordo and Bostick and shall embrace the territory now covered by said beats. (d) That the fourth district shall be composed of the following beats: Carrollton, Speeds Mill, Raleigh, Kings Store and Olney and shall embrace the territory now covered by said beats.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved August 27, 1915.

No. 286.)

(H. 1124—Henderson.

## AN ACT

To impose a tax of one dollar a year on each male and two and one-half dollars on every female dog in Limestone county, State of Alabama, over four months of age, and to provide for the collection of such tax and to provide that all live stock killed or injured and all damages done thereto, shall be paid for out of the dog tax fund, and to provide that the surplus left in the dog tax fund on the first day of March of each year shall be paid into the public school funds of said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. Each and every dog over four months old in Limestone county, Alabama, shall be listed for taxation as herein provided, either by the owner or by the tax assessor in the name of the owner without affixing any valuation there-

to; but, the owner may if he so desires affix any value thereto he wishes. Every person who keeps or harbours a dog, or who knowingly permits the keeping or harbouring of a dog upon his premises shall for the purpose of listing and taxation be deemed the owner thereof, and the tax assessor shall ascertain the owner or harbourer of each dog within said county and list and return the same for taxation. The assessor, in listing, shall enter the description upon the schedule stating the sex, age, color, size, and name of any of the dogs so listed.

Sec. 2. The owner of every male dog and spayed female, over four months of age shall pay a license tax thereon of one dollar and of every unspayed female dog two and one-half dollars. The first assessment under this act shall be made in the year 1915, between the first day of October and the 31st day of December. Said license tax shall be due and collectable as other taxes and collected by the tax collector and paid to the county treasurer. The treasurer shall keep such license tax on dogs separate from other funds. The amount collected by license tax on dogs shall be used to indemnify losses in said county by killing or insuring of sheep or other live stock by dogs as herein provided.

Sec. 3. Whenever any sheep or live stock are killed or injured by dogs in said county, the owner or person having custody of same shall within twenty-four hours after such killing or injury is made known to him notify the justice of the peace in whose district the sheep or other live stock are, or were and make affidavit setting forth the number of sheep or live stock killed or injured, the kind, grade or quality thereof, and the amount and nature of injury thereto, and that he does not know whose dog caused the damages, if such be the fact, or, if known, that the amount of such loss if reduced to judgment could not be collected on execution against the owner of such dog if such be the fact. The justice of the peace shall then appoint two disinterested free holders of the neighborhood where the injury was done to appraise the damage and shall furnish them with claimant's affidavits or a copy thereof, and the appraisers shall forthwith examine such sheep or other live stock and make a written report on the claim to the justice of the peace who shall forthwith forward the claimant's affidavit and the appraiser's report to the judge of probate, who shall file the same in his office and endorse thereon the date of such filing. The justice of the peace and each of the appraisers shall be allowed fifty cents for their services to be paid out of the dog tax fund of the

county as other claims. At each meeting of the court of county commissioners the claims for loss or damage to sheep or other live stock which have been filed not less than ten days prior to said meeting shall be taken up and considered and rejected, or if correct and just, they shall allow the same, or such parts thereof as may be deemed right; provided the court of county commissioners may require additional evidence on any such claims either by oral testimony or affidavits. Such claims as are allowed shall be filed with the county treasurer who shall after the first day of March of each year draw his warrant in favor of the claimant for the amount allowed by the court of county commissioners, provided if the amount in the dog tax fund be not sufficient to pay all claims, the treasurer shall prorate the same. Any surplus of said fund remaning to the credit of the county after all such claims are allowed shall be transferred to the school fund of the county proportioned to each district according to collections in such school district.

Sec. 4. Every person owning or harbouring a dog shall be liable to the party injured for all damages done by such dog, but no recovery shall be had for personal injuries to any person when they are upon the premises of the owner of the dog after night, or upon the owner's premises engaged in any unlawful acts in day time. Whenever recovery is had before any court of damages to sheep or other live stock by dogs the court may order the defendant or any constable in said county to kill or cause to be killed such dogs within two days after the rendition of the judgment.

Sec. 5. Any dog upon which the tax is paid when due shall be regarded as property, and shall be entitled to the same protection as live stock. The owner of any dog upon which tax is paid which may be injured or killed contrary to law or unlawfully carried or enticed away from the premises of the owner, or unlawfully harboured for the purpose of killing or injuring such animal or depriving the owner thereof of his ownership may recover exemplary damages of the person for so unlawfully killing, injuring, or enticing away such dog. Any person violating the provisions of this section shall be liable to prosecution as in case of injuring live stock or other personal property of another.

Sec. 6. Any person who shall keep or harbour a dog upon his premises or elsewhere and who fails or refuses to pay the tax thereon when due, shall be fined not exceeding five dollars for each offense and upon conviction the judgment may include

an order requiring such dog to be killed, which order may be executed by any peace officer who shall be allowed one dollar therefor to be taxed as costs. It shall be the duty of the sheriff and his deputies and each constable in his district to kill or cause to be killed any dog, the owner of which has failed or refused to pay the tax thereon when due and for each dog so killed without the order of the court, such officer shall be allowed by the court of county commissioners fifty cents to be paid out of the dog tax fund, upon proper proof that such claim is correct.

Sec. 7. This act shall take effect immediately upon its approval by the Governor.

Approved August 27, 1915.

No. 288.)

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AN ACT

(H. 1093—Davie.

To authorize the treasurer of Bibb county, Alabama, to pay interest on money borrowed by the court of county commissioners of Bibb county, Alabama, to defray the general expenses of said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That W. T. Steele, as the treasurer of Bibb county, Alabama, be and he is hereby authorized to pay out of the general funds of said county the following warrants: No. 314, G. J. Patridge, \$1,164.44; No. 318, Ed. Hubbard, \$238.09; No. 328, H. J. Ward, \$225.78; No. 598, W. F. Cornett, \$117.33; No. 664, C. L. Oakley, \$111.11; No. 768, C. L. Oakley, \$72.89.

Sec. 2. That all laws and parts of laws in conflict with this act be and they are hereby repealed.

Approved August 28, 1915.

No. 289.)

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AN ACT

(H. 1058—Neely.

To better provide for working and maintaining and keeping in repair the public roads of Lawrence county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of revenue of Lawrence county, Alabama, shall, at its next regular term, after the passage of

this act and at its regular term in February of each year thereafter, appoint a superintendent of the public roads of Lawrence county, who shall hold his office until the next regular term of said court in the February following such appointment, unless sooner suspended or removed by the said court. Said superintendent so appointed shall reside at the county seat of Lawrence county, Alabama, during the term of his office.

Sec. 2. *Be it further enacted,* That the said superintendent of public roads, whose appointment is provided for in the first section of this act, shall be a man skilled in the art of road building and repairing and he shall receive a salary, to be fixed by said court of revenue of said county, of not less than fifty nor more than one hundred dollars, per month, payable at the end of each month, during the term of his employment. The said salary of such superintendent shall be fixed by said court, at least thirty days before his appointment and notice thereof given.

Sec. 3. *Be it further enacted,* That the duties of said superintendent of public roads shall be as follows: (a) To have supervision and control over the overseers and the public roads of the county and direct the manner of working said roads, subject, only, to such rules and regulations as may be made by the court of revenue of said county. (b) To remove any overseer, who shall fail or refuse to perform his duty or comply with any reasonable order or suggestion of said superintendent and to appoint another in his place and to fill all vacancies in the office of road overseer. (c) To have the public roads of the county worked and improved as may be directed by the court of revenue of said county, and for that purpose it is made the duty of such superintendent, at any time he may deem proper during the year, to have called out, in the manner hereinafter provided, the road hands belonging to any road precinct of the county and have them to work, subject to his directions and under the supervision of their overseer, the public roads, to which they have been assigned, for any length of time said superintendent may deem sufficient, to put said roads in good condition, not to exceed ten days in any one year. The various overseers shall see that each hand apportioned to his respective road or liable to work thereon, has had the notice required by law and that all persons liable to road duty, shall perform their equal share of road service and in the event, any person who is liable to road service, who has been warned to work on the public road and has a sufficient excuse for not working

at the appointed time, the said superintendent shall see that such person performs his equal share of road work at some other time or place. If any road overseer should not have or be supplied with a sufficiency of tools and teams to work the entire force of hands apportioned to him, at one time; he may, with the approval of the superintendent, warn the number of hands that he can work, profitable, to work certain days, designating the days: a certain other number to work the same number of days following the first, and so on, until all of the hands apportioned to his road, have worked the same number of days. This rule may be followed until all of the hands have worked out their full time. The overseer shall be paid a daily wage of one dollar, for every day that he works in excess of ten days, under this rule. Said superintendent shall in conjunction with the road overseer, make a memorandum of all defaulters and see that all overseers and persons liable to road duty, perform all duties required of them by law, and he shall especially, report to the court of revenue of the county and the grand jury, at the next regular session of each, the names of all road overseers who fail to comply with the general laws, requiring them to prosecute defaulting road hands. (d) To contract for building or repairing small bridges and culverts and causeways and contract for the erection of mile posts and sign boards, under the supervision and by the authority of the court of revenue; (e) To dismiss from service on the public roads, any hand, whether working for himself or as a substitute, who fails or refuses to do good and sufficient work, or who may be intoxicated, or who shall refuse to obey any reasonable order of such superintendent or the overseer of such road and have such person proceeded against as though he had failed to obey notice to work or had failed to work on such road. (f) To take good care of all teams, tools, implements, harness, machinery or other things turned over to him by the court of revenue and to use the same, only, on the public roads of the county and at the expiration, of his term of service or his removal or suspension from office, he shall deliver the same to the probate judge of the county. (g) To make reports to the court of revenue at the regular terms in February, April, August and November of each year, giving a detailed statement of the work done under his supervision for the quarter just ended showing all amounts paid by each overseer in the county, for money collected by such overseer from persons liable to road duty and who have elected to pay money in lieu of work and the names of each overseer,

and the amount collected from him and showing the amount paid out for labor on roads, material or repair or other expenses and to whom paid, as well as all amounts promised for work performed and material furnished under the contracts authorized by subdivision (d) of this section, and which said report shall be recorded in the minutes of said court.

Sec. 4. *Be it further enacted*, That the apportioners appointed under the general laws, shall, within thirty days after being served with notice of their appointment furnish to the superintendent a list of all the overseers and hands on each section of the public roads of their road districts, beats or precincts.

Sec. 5. *Be it further enacted*, That any person liable to road duty may be exempt from work, by himself or substitute, by paying the overseer on or before the day appointed for work, the sum of ten (\$10.00) dollars, which shall exempt him from road work for the year. The court of revenue shall cause to be printed receipt books, with stubs, and furnish each overseer with a sufficient supply of such books, and when and as often as any person liable to road duty, pays an overseer in lieu of working, such overseers shall give such person a receipt for the amount paid and shall number the stubs to correspond with the number of the receipts and such stubs shall show the amount received and from whom. The overseer, shall, from time to time, pay such money over to the superintendent, taking his receipt therefor and all overseers shall on or before the 25th, day of December of each year, deliver to the probate judge of the county, all stubs from receipts for money collected from road hands and shall deliver to the probate judge all receipts given them by the superintendent. Any superintendent who converts any of such money to his own use or to the use of another, or who willfully fails or refuses to account for the same as is required by law, shall be guilty of embezzlement and punished accordingly. The money collected from persons liable to road duty shall be, by the court of revenue or by the superintendent under the orders and directions of said court, devoted to maintaining and keeping in repair the public roads of the county to which the persons paying the sum were apportioned.

Sec. 6. *Be it further enacted*, That the court of revenue of said county may purchase or hire, for the use of the county and deliver to said superintendent, taking his receipt therefor, such horses, mules, wagons, tools, road machinery and other implements, as in their judgment are useful in the construction and

repair of the public roads of the county and in keeping with the financial condition of the county, and make reasonable allowances, from time to time for the actual and necessary cost of keeping and repairing the same. And said court may employ or authorize the employment of laborers, the number and term of employment, to be fixed by the court, which said laborers shall be under the direct supervision and control of the superintendent. Said laborers so employed, shall be paid monthly out of the county treasury, by warrants, ordered issued by the court of county revenue of the county, upon the certificate of the road superintendent. The superintendent and laborers shall work ten hours each working day, and a failure so to do, shall subject the said road superintendent to removal from office by the court of revenue. But nothing herein contained shall be so construed as to require persons working the road in response to summons given by road overseers, to work at other or different hours, than those now fixed by the general laws of the State.

Sec. 7. *Be it further enacted*, That the court of revenue of said county of Lawrence is hereby authorized and empowered to buy for the use of said public roads, gravel, chert, sand, slag, rock crushed stone, or other road building material, lumber and timber, road machinery, engines, rock crushers or any other necessary machinery or tools, and to pay for the same out of the funds of the county.

Sec. 8. *Be it further enacted*, That said court of revenue of Lawrence county is hereby authorized to employ a competent civil or road engineer to survey and grade the public roads of Lawrence county and pay such engineer out of the funds of the county.

Sec. 9. *Be it further enacted*, That said court of revenue of Lawrence county is hereby authorized and empowered to use, in addition to the road and bridge fund of the county, such sum or sums of money, out of the general fund of the county as such court may deem necessary, for the purpose of working and improving the roads of the county, as provided for in section 15 of this act.

Sec. 10. *Be it further enacted*, That the court of revenue of Lawrence county, shall at its first meeting, after the passage of this act, designate as many of the most important roads of the county as said superintendent can probably look after and from time to time, add to this number, until all of the public roads of the county are placed under his supervision. Such



court shall make a record on its minutes of the roads so designated and furnish said road superintendent with a list of such roads.

Sec. 11. *Be it further enacted*, That it shall be the duty of the court of revenue of said county to instruct the superintendent and overseers as to the grades of the respective roads and such court shall require that all grades shall be cleared of trees, roots, stumps and other obstructions and it shall be the duty of the superintendent to report to each grand jury all overseers who shall fail to comply with this section, as to clearing roads of obstructions.

Sec. 12. *Be it further enacted*, That the said superintendent of roads provided for in this act, before receiving any of the county property or entering upon his duties of office, must take the oaths of office required of county officers and enter into a bond in the sum of two thousand dollars, to be approved by the probate judge of the county, conditioned for the faithful performance of his duties under this act, which said bond shall be recorded in the record of bonds of the county, and for any breach of the conditions of said bond, the said court of revenue shall have suit instituted in the name of the county against said superintendent and his surety or surities on said bond.

Sec. 13. *Be it further enacted*, That if the office of road superintendent shall become vacant by reason of death, resignation, removal from office or other cause, the court of revenue, at its next regular meeting or a meeting called for that purpose, shall appoint a suitable person to fill the unexpired term. A road superintendent as is provided for in this act, may be removed or suspended from office and road work discontinued under this act, whenever in the opinion of the court of revenue, it is to the interest of the county so to do.

Sec. 14. *Be it further enacted*, That no person or hand in Lawrence county, subject to road duty, shall be required to work on the public roads of the county for a longer period than ten days in any one year, not counting the days engaged in opening new roads.

Sec. 15. *Be it further enacted*, That the court of revenue of the county shall allow warrants for so much of the funds of said county as will be sufficient to pay the salary of the superintendent of roads and the cost and expenses of maintaining and keeping in repair, the roads of the county, which may be paid out of the general fund of the county. And for the purchase or hire of necessary tools, stock, machinery, wagons, har-

ness or road implements of any kind, the said court of revenue of said county is authorized and empowered to expend such sum of money as may be necessary out of the general or any special fund of the county that is not otherwise appropriated.

Sec. 16. *Be it further enacted*, That if any section or provision of this act shall be declared void or unconstitutional, it shall not effect or destroy the validity or constitutionality of any other sections or provisions which is not in or of itself void or unconstitutional.

Sec. 17. *Be it further enacted*, That, except so far as the same may be in conflict with this act, the general laws now in force in this State with reference to public roads and highways, shall be in force in Lawrence county, and that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby expressly repealed, so far as they may apply to the county of Lawrence.

Approved August 28, 1915.

No. 290.)

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AN ACT

(H. 1050—Grady.

To provide a better system of public roads for Chambers county.

*Be it enacted by the Legislature of Alabama:*

1. That the court of county commissioners of Chambers county, Alabama, shall at the first general or special term of said court after the passage of this act, or as soon thereafter as practicable, appoint not less than four nor over six road foremen for said county, one or more for each commissioners district, whose term of office shall begin with the date of qualification, and shall continue until Tuesday after the second Monday in January, 1917, or until his successor is appointed and qualified. And at the November term of said court in 1916, and every two years thereafter, said court shall appoint the successors to the aforesaid road foremen.

2. The said foremen shall each, before entering upon the duties of said office qualify by taking and filing the statutory oath of office, and giving bond for the faithful performance of the duties of said office, payable to Chambers county, Alabama, in such sum as may be prescribed by said court, not less than two thousand dollars with good and sufficient sureties thereon, to be approved by the judge of probate of said county, which

oath and bond shall be recorded in the office of the judge of probate.

3. That said road foremen shall each receive a salary to be determined by the court of county commissioners, not to exceed \$60.00 per month for the time actually engaged in the business of their respective office, to be determined by said court before they enter upon the duties of their office to be paid monthly, by a warrant to be drawn on the county treasury, which said salary when so fixed shall not be increased during the term for which said foreman was appointed.

4. That said road foremen shall have control and supervision of the public roads for their respective districts, as to the manner of working, repairing and maintaining the same under the direct control and supervision of the commissioners court. Said road foremen shall have and exercise all the rights and powers now conferred on road overseers and such other powers and duties as may be conferred upon them by the commissioners court not in conflict with this act.

5. The court of county commissioners of Chambers county, Alabama, shall have the power to discharge said foremen at any time, if said foremen are neglecting their duties, or if in the opinion of said court they are incompetent to discharge their duties properly, and when so discharged, they shall only receive that portion of their salary which is due them for the time actually served. Upon the removal of any such foreman the court shall at its discretion proceed to fill the vacancy thereby created.

6. That the road foremen shall be under the control and direction of the court of county commissioners of said county who shall require them to devote their entire time to the public roads of the county and they shall be furnished with all the necessary stationery to be paid for out of the county treasury and such road foreman shall keep such books and accounts as may be required by the court of county commissioners so as to show all transactions pertaining in any way to his duties as such foreman.

7. The court of county commissioners shall have the authority to contract for the working of the public roads or to employ labor, teams, machinery or otherwise to do such work under agent or superintendent as such court may think proper, or to purchase and maintain such teams, implements, machinery, tools and all other materials as may be deemed necessary and proper for the working, repairing, making and maintain-

ing of the public roads of said county, and shall be authorized to purchase rights-of-way for new roads or changes of roads, to contract for grading, filling and macadamiznig any part of any public road, and pay the same out of any fund of the county not otherwise appropriated.

8. That all male inhabitants of Chambers county, Alabama, between the ages of 18 and 45 years, who are not exempt from road duty under the general laws of the State, shall be required to work upon the roads of said county for seven days, ten hours of faithful work each day, under the orders of the road foremen, or shall pay the sum of five dollars annually. Said sum to be paid on or before the first day of November, 1915, and on or before the first day of November each year thereafter. And failing to pay on the day named he shall perform the labor in person or by acceptable substitute, provided in this act, except as otherwise provided in this act.

9. That all persons arriving at road duty age during the year, or coming into the county during the year may relieve themselves from liability for road duty by paying to the tax collector within thirty days after they arrive at road duty age, or come into the county the pro rata amount due for the remainder of the year calculated upon a basis of five dollars per annum. Any person arriving at road duty age during the year, or coming into the county during the year, who fails to relieve himself of the liability for road duty shall be apportioned and warned to work the road in the same manner as other road hands, provided that he shall only be required to work a pro rata number of days calculated upon the same principal as the monetary discharge of liability provided for above.

10. Any person warned to work the roads who fails or refuses to work as prescribed in this act in person, or by substitute as provided for in section 8 without legal cause or excuse shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than ten nor more than fifty dollars. It shall be the duty of the superintendent and the road foreman of the gang with whom such defaulter was to work, or either of them, to prosecute him before any court of Chambers county having jurisdiction of the case. The courts of justice of the peace of the precinct in which such defendant resides shall have concurrent jurisdiction with the county and circuit courts for the trial of such cases.

11. Should any road hand or substitute for any road hand, after reporting for road duty fail, or refuse, to do good

and sufficient work, or should be intoxicated, or use abusive, profane or obscene language, or fail or refuse to obey any reasonable order of said superintendent or foreman he shall upon conviction thereof be fined not less than ten nor more than fifty dollars. It shall be the duty of the superintendents and of the road foreman of the gang with which such person was working, or either of them, to prosecute offenses of this kind. The courts of the justice of the peace of the precinct in which the defendant resides shall have concurrent jurisdiction with the county and circuit courts for the trial of such cases.

12. The court of county commissioners shall appoint one road tax collector for voting precinct in Chambers county, Alabama, who shall give bond in double the estimated amount of money that will be in his hands at any one time, said bond to be conditioned on the faithful performance of his duties as such collector, approved by the probate judge and filed and recorded in his office. It shall be the duty of each of said collectors, on or before the 15th day of September in each year to enumerate the road hands for his precinct, which said collector shall have the power to administer oaths and make inquiry concerning the age, physical condition, or any other matter which is necessary to enable him to determine who are subject to road duty under this act. Within five days thereafter such collector shall make a record of all such road hands and furnish a copy thereof to the probate judge who shall record said list in a book to be kept for that purpose and furnish a copy of said list to the road contractor or foreman in whose district said precinct is located. Said collector shall receive said sum of five dollars at any time before the first day of November when tendered him, but if not paid on or before the first day of November as above provided said road tax shall be considered delinquent and said collector is entitled to a fee of fifty cents for the collection of said road tax at any time during the month of November.

13. The road foreman provided for in this act shall employ labor and teams, or use the labor and teams provided for him by the court of county commissioners, using every means at his command to keep all the roads in his district in a safe condition for the public travel and to this end he shall distribute the labor over the entire roads of his district so as to give an equitable division of the work to every road mile in his district. He shall take into consideration the amount of public travel and the importance of each link of road in making an equitable division of the work in his said district. All money is to be spent in the precinct where collected.

14. The road foreman shall make monthly reports of all money received by him and an itemized account of its disbursement showing the name of the person to whom paid and for what it is paid. Such account shall be sworn to and any misappropriation of the funds in any way coming into his hands shall be considered a breach of his official bond.

15. That said road foreman shall check up each precinct collector once in each quarter or oftener if practicable and receive and receipt for all of the funds in the hands of the said precinct collectors. Said receipts shall show from whom each item of taxes were collected and a duplicate copy thereof shall be immediately forwarded to the probate judge who shall check the same against the list of men subject to road duty in such precinct.

16. That the precinct collector shall retain three per cent of all money collected by him in addition to the fees provided for which shall be in full compensation for all services performed by him under this act.

17. That it shall be unlawful for any person not a road hand in the performance of road duty to plow or dig in, across or into any public road in said county, or to obstruct the roads or ditches on either side of said road, either by plowing in or across said ditches, or by placing therein stones, brush, logs or other obstructions of any kind whatever, or by turning the water from terraces or other ditches in, across, or upon the road. Any person who shall violate this section of this act shall be punished by a fine not to exceed one hundred dollars, or imprisonment in the county jail or at hard labor for the county for not exceeding six months, one or both, in the discretion of the court trying the case.

18. That when any land owner whose land is taken or the right of way of any public road is condemned by order of the court of county commissioners, who shall be dissatisfied with the amount of compensation awarded him and appeal to the circuit or Supreme Court, and if on such appeal he shall recover more damages than was awarded in the lower court the costs of appeal shall be paid by the county, otherwise the costs of appeal shall be paid by the land owner; when appeal is taken, the commissioners court may pay to the clerk of the circuit court to which said appeal is taken the amount of compensation awarded to the land owner and upon such payment being made to the clerk the commissioners court shall be authorized to enter upon said land and construct the road notwithstanding the appeal.

19. That the court of county commissioners shall have full power and authority to make and establish such rules and regulations not in conflict with this act, that it may deem necessary for the proper construction, working, repairing, or maintaining of the public roads and bridges of said county and for requiring of all persons charged with any duty, power or liability hereunder, a rigid performance of and accountability therefor.

20. That the court of county commissioners is hereby authorized and empowered to appropriate from the general fund to the road fund, or to the bridge fund, such sums as they may see fit, taking into consideration the general expenses of the county and the demands liable to be made upon the general fund.

21. That all fines arising hereunder shall be paid in money placed to the credit of road fund to be expended by order of commissioners court on the public roads.

22. That all laws or parts of laws in conflict with the foregoing act, be and the same are hereby repealed.

Approved August 28, 1915.

No. 201.)

(S-354—Holmes

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AN ACT

To repeal an act entitled an act to provide additional compensation for the sheriff of Baldwin county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an Act entitled an Act to provide additional compensation for the sheriff of Baldwin county, approved February 23, 1883, be and the same is hereby repealed.

Approved August 3, 1915.

No. 202.)

(S-355—Holmes.

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AN ACT

To repeal an act, entitled, an act, to allow the treasurer of Baldwin county, fees for receiving and disbursing county revenue.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an Act entitled an Act to allow the Treasurer of Baldwin county, fees for receiving and disbursing

county revenue, approved February 26th, 1881, be, and the same is hereby repealed.

Sec. 2. Be it further enacted that Section One of this Act is not intended and shall not affect the fees and commissions of the county treasurer now holding the office, during his present term.

Approved August 3, 1915.

No. 210.)

(H. 474—Darden.

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AN ACT

To repeal an act entitled, an act "To provide for the holding of a term of the circuit court of the fifth judicial circuit, at Goodwater, in Coosa county, and to regulate the same," approved on February 28th, 1907, Local Acts, 1907 pp. 216-217; and to repeal an act entitled an act, "To provide for the holding of a term of the circuit court of the fifth judicial circuit of Coosa county, at Goodwater, and to regulate the same," approved on the 3rd day of August, 1907, Local Acts 1907, pp. 735-740; and to provide for the disposition of all civil and criminal cases pending in the circuit court at Goodwater, and for the enforcement of all judgments, orders and forfeitures in the circuit court at Goodwater unsatisfied at the time of the approval of this act.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an Act entitled an Act "To provide for the holding of a term of the circuit court of the fifth judicial circuit, at Goodwater, in Coosa county, and to regulate same," approved on the 28th day of February, 1907, Local Acts 1907, pp. 216-217, be, and the same is hereby repealed.

Sec. 2. Be it further enacted by the Legislature of Alabama, that an Act entitled, an Act "To provide for the holding of a term of the circuit court of the fifth judicial circuit of Coosa county, at Goodwater, and to regulate same", approved on the 3rd day of August, 1907, Local Acts 1907, pp. 735-740, be, and the same is hereby repealed.

Sec. 3. Be it further enacted that all civil and criminal cases pending and undetermined in the circuit court of Coosa county at Goodwater, when this Act goes into effect, together with all the files, books, records and documents pertaining to said causes be, and the same are hereby transferred to the circuit court of Coosa county, at Rockford, and it shall be the duty of the clerk of the circuit court of Coosa county, to enter all of said causes so transferred on the proper dockets of the circuit court of Coosa county, at Rockford, following the causes then pending at Rockford when this act becomes effect-



ive, and all of the said causes transferred to Rockford shall stand for trial at the next regular term of the circuit court of Coosa county, at Rockford.

Sec. 4. Be it further enacted, that all judgments, orders and forfeitures rendered, entered or made by the circuit court of Coosa county, at Goodwater, and unsatisfied at the time this Act becomes effective, as well as all executions issued by said court, shall be enforced by the circuit court of Coosa county, at Rockford, in the same manner and with the same force and effect as if the proceedings had originated in the said circuit court at Rockford; and to carry out and enforce all such judgments, orders and forfeitures rendered, entered or made by the circuit court, at Goodwater, the clerk of the circuit court of Coosa county, at Rockford, shall issue all the necessary writs, processes, executions, etc., for the purpose of enforcing them, as if they had originally been rendered, made or entered by the circuit court of Coosa county at Rockford; and it shall be the further duty of the Clerk of the circuit court of Coosa county, at Rockford, to issue all the necessary subpoenas, and other writs for the trial of the causes transferred to Rockford, and it shall be the duty of the sheriff of Coosa county to serve all the processes issued by the clerk for the trial of said causes; and for the enforcement of all judgments, forfeitures and orders, the sheriff of Coosa county shall execute all processes delivered to him by the clerk.

Sec. 5. Be it further enacted, that the provisions of this Act shall become effective on the first day of January, 1916.

Sec. 6. Be it further enacted, that all laws, and parts of laws, general, local, or special, in conflict with the provisions of this Act, be, and the same are hereby repealed.

Approved August 10, 1915.

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No. 211)

(H. 564—Rogers of Elmore.

### AN ACT

For the relief of Rev. W. A. Adams.

*Be it enacted by the Legislature of Alabama:*

Section 1. That out of any funds in the State treasury not otherwise appropriated, there is hereby appropriated the sum

of Two Hundred dollars (\$200.00) for the relief of W. A. Adams for services rendered the State of Alabama as chaplain at the department of the State penitentiary located at Speigner, Alabama, such services extending from July the first, 1913, to December the first, 1914, at the rate of \$12.50 per month.

Sec. 2. That on and after the passage of this Act and upon its approval by the Governor, the State auditor shall draw his warrant upon the State treasury in favor of the said W. A. Adams for the sum of Two Hundred dollars.

Approved August 6, 1915.

No. 212)

(H. 621—Andrews.

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AN ACT

To change and define the boundary line between the counties of Lee and Tallapoosa.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the boundary line between the counties of Lee and Tallapoosa be changed so as to run as follows: Commencing at the southwest corner of Section thirty-one, Township twenty, Range twenty-four, and running thence north to the northwest corner of the southwest quarter of Section thirty-one, Township twenty, Range twenty-four, to the intersection of the present county line between the counties of Lee and Tallapoosa. In all other respects the said county line between the counties of Lee and Tallapoosa shall remain as it now stands.

Sec. 2. Be it further enacted, that all laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved August 6, 1915.

No. 214.)

(H. 933—Vaughan.

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AN ACT

To abolish the office of associate judge of the city court of Montgomery and to provide that the duties of the associate judge shall be performed by the judge of the city court of Montgomery.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of associate judge of the city court of Montgomery be and the same is hereby abolished.

Sec. 2. That the duties now performed by the associate judge of the city court of Montgomery shall be performed by the judge of the city court of Montgomery.

Sec. 3. That this act shall go into effect immediately upon its becoming a law.

Sec. 4. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Became a law under Section 125 of the Constitution.

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No. 215.)

(H. 934—Vaughan.

AN ACT

To provide for the election of the clerk of the city court of Montgomery by the qualified voters of Montgomery county, and to fix the term of office.

*Be it enacted by the Legislature of Alabama:*

Section 1. That at the general election in 1916 and every four years thereafter, the clerk of the city court of Montgomery shall be elected by the qualified voters of Montgomery county who shall hold his office for four years and until his successor is elected and qualified.

Sec. 2. That all laws and parts of laws in conflict with this Act are hereby repealed.

Approved August 9, 1915.

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No. 222.)

(S. 340—Lusk.

AN ACT

To change the boundary lines of the city of Bridgeport, Jackson county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the city limits of the town of Bridgeport, Jackson county, Alabama, be and the same are hereby changed so as to make the center of the big slough of the Tennessee river the corporate lines and excluding all of Long Island from within the corporate limits of said town.

Sec. 2. Be it further enacted that all laws in conflict with the above Act be and the same are hereby repealed.

Approved August 16, 1915.

No. 223.)

(S. 487—Hall.

## AN ACT

To abolish the office of county treasurer of Houston county, and to require the county funds to be deposited in some national or State bank in the county of Houston as the commissioners' court of said county of Houston may elect, and to provide for the custody of such funds and the payment of interest on same.

*Be it enacted by the Legislature of Alabama:*

Section (1.) That the office of county treasurer of Houston county is hereby abolished.

Sec. (2.) That the treasurer of said county shall make a settlement with the commissioners' court of said county, and the balance of the money on hand he shall pay over to the probate judge of said county for the credit of said county.

Sec. (3.) That all the moneys heretofore required by law to be paid to the county treasurer of Houston county shall be paid to the probate judge of said county, and the said probate judge shall deposit the same in such national or state bank, in the county of Houston, as the commissioners' court of said county may elect, to the credit of said county, and all settlements heretofore required by law to be made with said treasurer shall be made with the probate judge of said county, and the receipt of such bank so designated shall be sufficient voucher, and all sworn receipts heretofore required by law to be made by or to said treasurer shall be made to or by such probate judge.

Sec. (4.) That the account of the funds of Houston county shall be open and kept in said bank in the name of Houston county, and the disbursements of same shall be made upon the order of the commissioners' court of said county, and said bank shall furnish said commissioners' court with a full and detailed statement of the receipts and disbursements of the county funds on the second Monday of January, April, July and October in each and every year. The said commissioners' court shall place the funds of said county in such state or national bank, in the county of Houston as may be selected by the court of county commissioners on the first Monday in December of each year, and such court of county commissioners shall notify each and every national and state bank in the county of Houston on the first Monday in November of each year, that said court of county commissioners will receive from each and every national and state bank, in the county of Houston, sealed bids for the

county funds to be opened and passed upon on the first Monday in December, following; and the said bank of the said county shall be selected by the court of county commissioners as the depository of the funds of said county for one year from the date said bids are passed upon, as may offer the highest rate of interest to said county on the daily balances of bank deposits; and the said court of county commissioners shall require an adequate bond of said bank to secure the safety of said deposit; and all money or funds belonging to said county, or in which the said county is interested, shall be deposited in said bank.

Sec. (5.) That this Act shall not take effect until after the expiration of the term of office of the present county treasurer.

Sec. 6. That any law, and parts of law, in conflict with the provisions of this Act, shall be and the same is hereby repealed.

Approved August 16, 1915.

No. 224.)

(S. 389—Bulger.

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AN ACT

To provide that one-fourth of the annual revenue of the town of Dadeville from licenses and taxes shall be used for the maintenance of its public schools; that the unused portion of same shall be transferred to the general fund on the first day of July in each year, and to provide what expenses of the public schools shall be paid out of the school fund.

*Be it enacted by the Legislature of Alabama:*

Section 1. That one-fourth of the annual revenue of the town of Dadeville from licenses and taxes shall be used for the maintenance of its public schools and the treasurer of said town shall set apart and credit the school fund with said amounts as the same is collected.

Sec. 2. That on the first day of July in each year the treasurer of the town of Dadeville shall transfer and credit to the general fund the unused portion of the school fund remaining unexpended at that time.

Sec. 3. That all of the expenses of the public schools of said town inclusive of teachers' salaries, janitor service, fuel and school supplies of all kinds, except insurance and repairs to school buildings, shall be paid out of the school fund.

Sec. 4. That all laws, and parts of laws, in conflict with the provisions of this Act, be and the same are hereby repealed.

Approved August 16, 1915.

No. 225.)

(S. 607—Wallace.

## AN ACT

To ratify and confirm the payment of a certain county warrant paid by Joe S. Bird, treasurer of Shelby county, Alabama, and to discharge said Joe S. Bird and his sureties on his official bond from all liability on account of the payment of such warrant.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the payment of the following county warrant, issued by Shelby county and paid by Joe S. Bird, treasurer of said county, during his official term as such treasurer, to-wit: Number 1828. Date, April 23rd, 1914; To whom issued. Shelby County State Bank. For what amount. Interest on borrowed money, \$35.65, be and the same is hereby ratified and confirmed.

Sec. 2. Be it further enacted that the said Joe S. Bird, treasurer of Shelby county, Alabama, and his sureties on his official bond be and they are hereby discharged from all liability whatsoever on account of the payment of said warrant, and from all interest upon the same.

Approved August 16, 1915.

No. 226.)

(S. 627—Elrod.

## AN ACT

To change the boundary line of the town of Fort Payne, Ala.

*Be it enacted by the Legislature of Alabama:*

That the boundary line of the town of Fort Payne, Ala., be amended so as to read as follows:

1st. Beginning at a point where the eastern boundary line of Section eight (8) Township seven (7), south of range nine (9), east, intersects with the west boundary line of what was formerly known as the Fort Payne and Eastern Railroad right of way; thence following along the west boundary line of said right of way in a southwesterly direction to a point where it intersects the north boundary line of Oak street in the cave addition to the town of Fort Payne; thence turning and running in a westerly direction across the valley, and following along the north boundary line of said Oak street and continuing the same course as Oak street extended a straight line to a point on the easterly side of the right of way of the Alabama Great

Southern Railroad which point is fifty (50) feet from the center line of the main track of said railroad; thence turning and following along the easterly side of the right of way of said railroad a southwesterly course holding a uniform width of fifty (50) feet from the center line of the main track of said railroad and to the northwest corner of lot twenty-four (24) of what is known as the Quin and Killian addition to Fort Payne and to a point on the north boundary line of the southwest quarter of the northeast quarter (SW 1-4 of NE 1-4) of Section eighteen (18), Township seven (7), South of Range nine (9) east; thence turning and running west along the north boundary line of said southwest quarter of the northeast quarter (SW 1-4 of NE 1-4) and continuing along the north boundary line of the southeast quarter of the northwest quarter (SE 1-4 of NW 1-4) of said Section eighteen (18), and to a point on the north boundary line thereof which point is fifty feet west of the center line of the right of way of the old Fort Payne & Eastern Railroad; thence turning and following along the old right of way of said Fort Payne & Eastern Railroad in a northwesterly course holding a uniform width of fifty (50) feet from the center line of said railroad right of way and to a point on the east boundary line of the northwest quarter of the northwest quarter (NE 1-4 of NW 1-4) of said Section eighteen (18); thence turning and running north along the east boundary line of said northwest quarter of northwest quarter (NW 1-4 of NW 1-4) of said Section eighteen (18) and to the northeast corner thereof; thence turning and running in a northeasterly direction diagonally across the southeast quarter of the southwest quarter (SE 1-4 of SW 1-4) of Section seven (7), Township seven (7), South of Range nine (9) east, and to the northeast corner thereof; thence continuing in a northeasterly course and diagonally across the northwest quarter of the southeast quarter (NW 1-4 of SE 1-4) and the southwest quarter of the northeast quarter (SW 1-4 of NE 1-4) of said Section seven (7) and to the northeast corner of said southwest quarter of the northeast quarter (SW 1-4 of NE 1-4) of said Section seven (7); thence continuing in a northeasterly course and to the northeast corner of the southeast quarter of the northwest quarter (SE 1-4 of NW 1-4) of Section five (5), in Township seven (7), south of Range nine (9) east; thence turning and running in a southeasterly direction across the valley and to the northeast corner of the southeast quarter of the southeast quarter (SE 1-4 of SE 1-4) of said Section five (5), which

point is in block four (4) of what is known as the Godfrey addition to the town of Fort Payne; thence turning and running south along the east boundary line of said southeast quarter of the southeast quarter (SE 1-4 of SE 1-4) of said Section five (5) and continuing along the east boundary line of the northeast quarter of the northeast quarter (NE 1-4 of NE 1-4) of Section eight (8), in Township seven (7), south of Range nine (9) east, and to the point of beginning.

2nd. That all other acts and laws in conflict with this Act are hereby repealed.

Approved August 16, 1915.

No. 227.)

(S. 463—Denson.

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AN ACT

To authorize and require the county treasurer of Greene county, Ala., to transfer all moneys from the fine and forfeiture fund of said county into the general fund of said county, and to pay from said general fund all legal claims against said fine and forfeiture fund.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the county treasurer of Greene county, Alabama, be and he is hereby authorized and required to forthwith transfer from the fine and forfeiture fund of Greene county, Alabama, into the general fund of said county, all moneys now to the credit of said fine and forfeiture fund, and also to transfer into said general fund of said county, all moneys which may hereafter be paid into said fine and forfeiture fund.

Sec. 2. That the county treasurer of said county be, and he hereby is, authorized and required to pay from the general fund of said county all claims which are by law required to be paid from the fine and forfeiture fund of said county.

Sec. 3. That all laws and parts of laws in conflict with this Act be, and the same hereby are repealed.

Approved August 16, 1915.

No. 228.)

(S. 610—Cooper.

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AN ACT

To create and establish the Uniontown road district in Perry county, Alabama; to provide for the improvement, maintenance, establishment, control, erection, building and supervision of the roads and bridges



therein; to establish and create a board of supervisors therein and therefor, and to fix and define the powers, duties and authority of said board.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there be and is hereby created the Union-town Road District in and for the county of Perry, Alabama; that said district is and shall be composed of the following precincts or beats in said county, viz.: Uniontown number 1, Wallthall number 2, and Popes number 3, and shall include all the public roads and bridges therein.

Sec. 2. That there is hereby created and established a board of supervisors in and for said district, which shall consist of the member of the county commissioners court from said district, and one member from each of said precincts, and one member who shall be a resident of the town of Uniontown; the latter four members shall be appointed by the judge of probate; they shall hold office for the term of the said member of the said commissioners court, as fixed by law, and until their successors are respectively elected and appointed; their successors shall be selected in the same manner respectively.

Sec. 3. The said board is hereby vested, invested and charged with the following powers, authority and duties, viz: to have a general superintendence of the public roads and bridges in said district, and may establish new, and change and discontinue old roads, and shall improve and maintain said roads and bridges in said district, so as to render travel over same safe and convenient as practicable; to this end said board is given legislative, executive and judicial powers; it may establish, promulgate and enforce new rules, regulations and laws, not inconsistent with the general and special laws of this State, or those of the commissioners court of said county, which are necessary to make, improve and maintain a good system of public roads and bridges in said district, and regulate the use of the same; as well as such as may be necessary to effectuate any of the powers herein conferred; it being the intention that such powers shall be unlimited, except as above expressly provided, and to include, among others, the following: to determine and specify bridges to be erected, hills to be cut down, grades to be established, and all other special work to be done on said roads, whether under contract, by road hands, or otherwise; to appoint road overseers, and designate and assign roads to same; to employ superintendants, agents, laborers and other employees on said roads; to hire stock, teams, vehicles and

other implements for use on same, and to purchase or accept donations of same, including machinery, tools, materials, supplies etc for use on said roads; to fix the compensation of its said employees; to fix and define the duties and authority of each; to elect a president, vice president and secretary of the board, who shall constitute the executive committee of said board; to enter into contracts with persons for building, grading, or otherwise improving said roads and bridges or any of them; to examine, audit and allow all valid claims against said board and order same paid from funds under its control, conforming in this respect as near as may be practicable to the similar proceedings in the commissioners court; to work on said roads such convicts as may be assigned to said roads by the commissioners court; to collect from all persons subject to road duty in said district a sum not exceeding five dollars per annum—each calendar year—in lieu of working the roads during such year; exercise all the duties and have all the powers prescribed or hereafter prescribed by law for apportioners of public roads; to make all necessary rules and regulations for the collection of said money, and to the carrying out of any other power or duty herein prescribed.

Sec. 4. Said executive committee, during the intervals, between the meetings of the board are authorized to exercise and perform all the powers and duties herein vested in and fixed upon the board, and such powers may be delegated to any member thereof by the board or committee; said board shall hold regular monthly meetings on first Monday in each month, and may adjourn same to a day subsequent, and may hold special meetings at any time, upon the call of the secretary or president, of which due notice must be given each member by mailing same to his usual address; a majority shall constitute a quorum; the secretary shall be the custodian of all the books, papers, documents and funds of said board, he shall keep a fair record of all the official acts and proceedings of the board, and an accurate account of all monies received and disbursed; no monies shall be paid out except under order of the board; he shall enter into good and sufficient bond conditioned as required by law for disbursing or fiduciary officers in amount to be fixed and approved by the judge of probate, in whose office the same shall be filed and recorded; the board shall adopt regulations for the keeping of said accounts, and the payments from said funds, prescribing the character of the forms and vouchers; a copy of the minutes of the board, or any part

thereof, duly certified by the secretary shall be legal evidence; the said judge may at any time require a new or an additional bond from said secretary.

Sec. 5. The commissioners court of said county is hereby authorized and empowered to pay over to said board from the road fund, bridge fund, road and bridge fund, or the general fund, or from any bond issue fund, such amounts as said district may be entitled to, or which it may allot to said district; and also to assign and deliver county convicts to said board to be worked on said roads; said board may receive monies or property from any persons for the use of said roads, and all outfits, machinery, tools, implements, and other property belonging to or being used in any of said beats on the public roads is hereby declared to be the property of said board, to be used at its discretion at any and all places in said district.

Sec. 6. All male persons under the age of forty-five years are liable and required to work on said public roads, except such as are under 18 years of age, such as have lost a hand or foot, and except all persons who, by nature or disease are rendered incapable of hard labor, who shall procure a certificate to such effect in accordance with the general laws of the State.

Sec. 7. Tools belonging to persons liable to road duty shall be liable to service on said roads; and it shall be unlawful for any person warned to bring same with him to work the road, to fail or refuse so to do. Each person so liable may be required to work ten days during each calendar year on said roads, and may be required to work also ten days in opening a new road; but no person must be required to work on any road, every part of which is distant more than Three (3) miles from his place of residence.

Sec. 8. In order to obtain the benefit of the exemption herein provided for, the payment required must be made on or before the first day of March each year, and the person so making payment has received a written receipt therefor duly signed by the secretary, and one other member of the board, on a form prescribed by the board; the board shall provide that such blank receipts shall be in books or tablets, so perforated, as to preserve carbon duplicates of same; all monies received shall be deposited in a bank designated by the board to its credit; and the accounts of said board shall be subject to examination by the state examiners of public accounts; the costs and expenses of maintaining and working said roads and bridges, purchase of the property and articles herein authorized, and exer-

cising the powers and discharging the duties herein vested and imposed on the board shall be paid out of the funds coming into the hands of said board from the sources herein enumerated, or from any other sources whatever; said board shall make reports quarterly to the commissioners court as to the condition of said roads and bridges and the expenditure of the funds coming to its hands.

Sec. 9. It shall be the duty of the board during the month of January in each year to make a list of all persons liable to road duty in said district, in an alphabetically arranged book, with appropriate blanks for date of birth, residence and other proper memoranda; said list to show persons within the age limits prescribed, which are exempt, together with the cause of such exemption, and revise the same from time to time, to the end that all persons liable to road duty shall either work the roads or pay for the exemption herein provided.

Sec. 10. Any overseer or road hand who shall fail or refuse to obey any lawful order of the board, or any member thereof or of its duly authorized agent, or shall violate any provision of this law shall be guilty of a misdemeanor.

Sec. 11. The provisions of law relating to roads and bridges, except as herein otherwise provided shall remain in full force and effect, and the duties of overseers and persons subject to road duty, and offenses relating to same, and punishments therefor shall likewise be unaffected, except as herein otherwise provided.

Sec. 12. Any person violating any lawful regulation or rule of the board shall be guilty of a misdemeanor.

Sec. 13. The public welfare requiring it, this Act shall be effective immediately upon its approval by the Governor, and the judge of probate shall forthwith appoint the members required to be appointed by him.

Sec. 14. Whereas the commissioner's court of said county has heretofore set apart and allotted a certain portion of a former bond issue fund for the roads in Walthall precinct it is expressly hereby provided that said money so allotted shall be used exclusively on the roads in said Wallthall precinct.

Approved August 16, 1915.

No. 229.)

(S. 710—Arrington.

## AN ACT

To fix the time of holding the circuit court of Coffee county, at Enterprise, Alabama.

*Be it enacted by the Legislature of Alabama:*

1. That the circuit court of Coffee county at Enterprise, Alabama, shall be held on the fourteenth Monday after the first Monday in March and September in each year and may continue two weeks.

2. That this Act shall go into effect immediately upon its passage and approval.

Approved August 14, 1915.

No. 232.)

(H. 742—Kaylor.

## AN ACT

To amend an act entitled, "An act to establish a charter for the town of Wedowee, Randolph county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That Section 1, of an Act to establish a charter for the town of Wedowee, Randolph County, Alabama, approved August 2nd 1907, be and the same is hereby amended to read as follows:

Section 1. Be it further enacted that the corporate limits of the said town of Wedowee, shall embrace and include the following territory, to-wit: The west half of the southeast quarter and the west half of section 3, all being in section 3, township 20, range 11, in Randolph county, Alabama.

Approved August 16, 1915.

No. 233.)

(H. 1019—Kaylor.

## AN ACT

For the relief of Ex-Treasurer H. R. Moore.

*Be it enacted by the Legislature of Alabama:*

Section 1. That immediately after the approval of this Act, the judge of probate of Randolph county shall draw his war-

rant on the county treasurer in favor of H. R. Moore for the sum of Four Hundred (\$400.00) Dollars, being the amount paid by the said H. R. Moore to paupers of Randolph county, not confined in the poor house of Randolph county, and not allowed by law during his term of office, to-wit: from Jan. 1909 to Jan. 1913.

Approved August 16, 1915.

No. 235.)

(H. 1047—Davie.

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AN ACT

To authorize the treasurer of Bibb county, Alabama, to pay interest on money borrowed by the court of county commissioners of Bibb county, Alabama, to defray the general expenses of said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That W. T. Steele, as the treasurer of Bibb county, Alabama, be and he is hereby authorized to pay out of the general funds of said county the following warrants: No. 314, G. J. Patridge, \$1164.44; No. 318, Ed. Hubbard, \$238.09; No. 328, H. J. Ward, \$225.78; No. 598, W. F. Cornett, \$117.33; No. 664, C. L. Oakley, \$111.11; No. 768, C. L. Oakley, \$72.89.

Sec. 2. That all laws and parts of laws in conflict with this Act be and they are hereby repealed.

Approved August 16, 1915.

No. 744.)

(H. 1653—Scott.

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AN ACT

To authorize and require the treasurer of Jefferson county to pay John G. Bradley the sum of eighty-seven, and 32/100 (\$87.32) dollars to reimburse him for expenses paid by him for the publication of notice of an intention to apply to the Legislature for the passage of an act to provide for and regulate the drawing, summoning and empanneling of juries in capital cases in Jefferson county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the treasurer of Jefferson county be and is hereby authorized and required to pay to John G. Bradley the sum of eighty seven and 32/100 dollars, which amount was heretofore paid by the said John G. Bradley to the Birmingham Ledger Publishing Co. for the publication of a notice of an intention to apply to the Legislature of Alabama for the pass-

age of an Act to provide for and regulate the drawing, summoning and empanneling of juries in capital cases in Jefferson county, which Act was thereafter passed and approved, and published in the 1907 Local Acts of Alabama at pages 238 to 242, both inclusive.

Approved September 25, 1915.

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No. 291.)

(H. 1046—Lapsley.

AN ACT

To authorize the court of county revenues of Dallas county to employ a person or persons to make and keep a record of the receipts and disbursements of monies belonging to the said county, and to prepare for the printer the quarterly statements of such receipts and disbursements required by law to be published.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county revenues of Dallas county is hereby authorized to employ a competent person or persons, for a reasonable compensation to be paid by said county, to make and keep a record of the receipts and disbursements of monies belonging to said county, and to prepare for the printer the quarterly statements of such receipts and disbursements required by law to be published.

Approved August 28, 1915.

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No. 292.)

(H. 1012—Kyser.

AN ACT

To abolish the fine and forfeiture fund of Monroe county, and to provide for the payment of all outstanding valid claims against the said fund, and to repeal all laws in conflict herewith.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the fine and forfeiture fund of Monroe county, is hereby abolished.

Sec. 2. That hereafter all moneys which under existing laws are payable into the fine and forfeiture fund of Monroe county shall be paid into the general fund of said county, and all claims payable out of the fine and forfeiture fund of said county shall be paid out of the general fund, and all outstand-

ing registered claims, and all claims entitled to registration against the fine and forfeiture fund, shall be presented to the treasurer of said county for payment, or registration, within ninety days from and after the approval of this act, and registered claims, or claims entitled to registration, not presented within said time shall be forever barred and shall not be paid out of the fine and forfeiture fund or the general fund. Any amount remaining on hand to the credit of said fine and forfeiture fund for the payment of outstanding claims which have been registered but not presented for payment or for any other reason, shall be transferred to and become a part of the general fund after the expiration of said time. That the county treasurer of said county shall publish the substance of this section in some newspaper published in said county for three successive weeks immediately after the passage and approval of this act, and the expense of said publication shall be paid by the county.

Sec. 3. That all laws and parts of laws in conflict herewith are hereby repealed.

Approved August 28, 1915.

No. 293.)

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AN ACT

(H. 960—Wittmeier

To provide a better system of public roads for Blount county.

*Be it enacted by the Legislature of Alabama:*

1. That the court of county commissioners of Blount county, Alabama, shall at the first general or special term of said court after the passage of this act, or as soon thereafter as practicable, appoint four road foremen for said county, one for each commissioners district, whose term of office shall begin with the date of qualification, and shall continue until Tuesday after the second Monday in January, 1917, or until his successor is appointed and qualified. And at the November term of said court in 1916, and every two years thereafter, said court shall appoint the successors to the aforesaid road foremen.

2. The said foremen shall each before entering upon the duties of said office qualify by taking and filing the statutory oath of office, and giving bond for the faithful performance of the duties of said office, payable to Blount county, Alabama, in such sum as may be prescribed by said court, not less than



two thousand dollars with good and sufficient sureties thereon, to be approved by the judge of probate of said county, which oath and bond shall be recorded in the office of the judge of probate.

3. That said road foremen shall each receive a salary to be determined by the court of county commissioners, not to exceed \$60.00 per month for the time actually engaged in the business of their respective office to be determined by said court before they enter upon the duties of their office, to be paid monthly by a warrant to be drawn on the county treasury, which said salary when so fixed shall not be increased during the term for which said foreman was appointed.

4. That said road foreman shall have control and supervision of the public roads for their respective districts, as to the manner of working, repairing and maintaining the same under the direct control and supervision of the commissioners court. Said road foremen shall have and exercise all the rights and powers now conferred on road overseers and such other powers and duties as may be conferred upon them by the commissioners court not in conflict with this act.

5. The court of county commissioners of Blount county, Alabama, shall have the power to discharge said foremen at any time, if said foremen are neglecting their duties or if in the opinion of said court they are incompetent to discharge their duties properly, and when so discharged, they shall only receive that portion of their salary which is due them for the time actually served. Upon the removal of any such foreman the court shall at its discretion proceed to fill the vacancy thereby created.

6. That the road foremen shall be under the control and direction of the court of county commissioners of said county who shall furnish said foremen with all the necessary stationery and receipt books, numbered consecutively and in duplicate to be paid for out of the county treasury and such road foremen shall keep such books and accounts as may be required by the court of county commissioners so as to show all transactions pertaining in any way to his duties as such foreman.

7. The court of county commissioners shall have the authority to contract for the working of the public roads or to employ labor, teams, machinery or otherwise to do such work under agent or superintendent as such court may think proper, or to purchase and maintain such teams, implements, machinery, tools, and all other materials as may be deemed necessary

and proper for the working, repairing, making and maintaining of the public roads of said county, and shall be authorized to purchase rights-of-way for new roads or changes of roads, to contract for grading, filling and macadamizing any part of any public road, and pay the same out of any fund of the county not otherwise appropriated.

8. That all male inhabitants of Blount county, Alabama, between the ages of 18 and 45 years, who are not exempt from road duty under the general laws of the State, shall be required to work upon the roads of said county for eight days, ten hours of faithful work each day, under the orders of the road foreman, or shall pay the sum of five dollars annually. Said sum to be paid on or before the first day of February, 1916, and on or before the first day of February each year thereafter. And failing to pay on the day named he shall perform the labor, in person or by acceptable substitute, provided in this act, except as otherwise provided in this act.

9. That all persons arriving at road duty age during the year, or coming into the county during the year may relieve themselves from liability for road duty by paying to the tax collector within thirty days after they arrive at road duty age, or come into the county the pro rata amount due for the remainder of the year calculated upon a basis of five dollars per annum. Any person arriving at road duty age during the year, or coming into the county during the year, who fails to relieve himself of the liability for road duty shall be apportioned and warned to work the road in the same manner as other road hands, provided that he shall only be required to work a pro rata number of days calculated upon the same principal as a momentary discharge of liability provided for above.

10. The court of county commissioners shall appoint one road tax collector for each voting precinct in Blount county, Alabama, who shall give bond in double the estimated amount of money that will be in his hands at any one time, said bond to be conditioned on the faithful performance of his duties as such collector, approved by the probate judge and filed and recorded in his office. It shall be the duty of each of said collectors, on or before the 15th day of January in each year to enumerate the road hands for his precinct, which said collector shall have the power to administer oaths and make inquiry concerning the age, physical condition, or any other matter which is necessary to enable him to determine who are subject to road duty under this act. Within five days thereafter such collec-

tor shall make a record of all such road hands and furnish a copy thereof to the probate judge who shall record said list in a book to be kept for that purpose and furnish a copy of said list to the road contractor or foreman in whose district said precinct is located. Said collector shall receive said sum of five dollars at any time before the first day of February when tendered him, but if not paid on or before the first day of February as above provided said road tax shall be considered delinquent and said collector is entitled to a fee of fifty cents for the collection of said road tax at any time during the month of February.

Sec. 11. But should any person who is subject to road duty as provided in this act fail or refuse to pay said road tax and fee on or before the first day of March then such collector shall file a list of such defaulters with the justice of the peace of his precinct, or if no justice of the peace is qualified in such precinct, then such list may be filed with any justice of the peace in any adjoining precinct or at the county seat, and upon the filing of such list said justice of the peace shall immediately issue a summons to each person therein named requiring him to appear at the usual place of holding justice court in such precinct on a day to be named in such summons not less than three days from the service thereof, to show cause if any he have why judgment should not be rendered against him for the taxes herein provided besides a penalty of five dollars in each case to be imposed at the discretion of the court trying the case, and the costs of the case for which judgment including the penalty prescribed and the costs, execution shall issue and there shall be no property of the defendant exempt from levy and sale under such execution. If execution is returned no property found sufficient to make such judgment and costs then the justice of the peace shall certify the name of such defaulter to the road contractor or foreman of the district who shall warn such defaulter to work out his time which shall be eight full days of ten hours each provided for elsewhere in this act. The precinct collector may serve all process provided in this proceeding for which he shall be entitled to a fee of one dollar in each case in addition to the delinquent fee of fifty cents which fees shall be taxed and become a part of the costs in each case. All other fees shall be the same as provided for like services in other proceedings.

12. Should any road hand or substitute for any road hand, after reporting for road duty fail, or refuse, to do good and suf-

ficient work, or should be intoxicated, or use abusive, profane or obscene language, or fail or refuse to obey any reasonable order of said superintendent or foreman he shall, upon conviction thereof be fined not less than ten nor more than fifty dollars. It shall be the duty of the superintendent, and of the road foreman of the gang, with which such person was working, or either of them, to prosecute offenses of this kind. The courts of the justice of the peace of the precinct in which the defendant resides shall have concurrent jurisdiction with the county and circuit courts for the trial of such cases.

13. The road foreman provided for in this act shall employ labor and teams, or use labor and teams provided for him by the court of county commissioners, using every means at his command to keep all the roads in his district in a safe condition for the public travel and to this end he shall distribute the labor over the entire roads of his district so as to give an equitable division of the work to every road mile in his district. He shall take into consideration the amount of public travel and the importance of each link of road making an equitable division of the work in his said district. All money is to be spent in the precinct where collected.

14. The road foreman shall make monthly reports of all money received by him and an itemized account of its disbursement showing the name of the person to whom paid and for what it is paid. Such account shall be sworn to and any misappropriation of the funds in any way coming into his hands shall be considered a breach of his official bond.

15. That said road foreman shall check up each precinct collector once in each quarter or oftener if practicable and receive and receipt for all of the funds in the hands of the said precinct collectors. Said receipts shall show from whom each item of taxes were collected and a duplicate copy thereof shall be immediately forwarded to the probate judge who shall check the same against the list of men subject to road duty in such precinct.

16. That the precinct collector shall retain three per cent of all money collected by him in addition to the fees provided for which shall be in full compensation for all services performed by him under this act.

17. That it shall be unlawful for any person not a road hand in the performance of road duty to plow or dig in, across or into any public road in said county, or to obstruct the roads or ditches on either side of said road, either by plowing in or

across said ditches, or by placing therein stones, brush, logs or other obstructions of any kind whatsoever or by turning the water from terraces or other ditches in, across, or upon the road. And any person who shall violate this section of this act shall be punished by a fine not to exceed one hundred dollars, or imprisonment in the county jail or at hard labor for the county for not exceeding six months, one or both, in the discretion of the court trying the case.

18. That when any land owner whose land is taken or the right of way of any public roads is condemned by order of the court of county commissioners, who shall be dissatisfied with the amount of compensation awarded him and appeal to the circuit or Supreme Court, and if on such appeal he shall recover more damages than was awarded in the lower court the costs of appeal shall be paid by the county, otherwise the costs of appeal shall be paid by the land owner; when appeal is taken, the commissioners court may pay to the clerk of the circuit court to which said appeal is taken the amount of compensation awarded to the land owner and upon such payment being made to the clerk the commissioners court shall be authorized to enter upon said land and construct the road notwithstanding the appeal.

19. That the court of county commissioners shall have full power and authority to make and establish such rules and regulations not in conflict with this act, that it may deem necessary for the proper construction, working, repairing, or maintaining of the public roads and bridges of said county and for requiring of all persons charged with any duty, power or liability hereunder, a rigid performance of and accountability thereof.

20. That all fines arising hereunder shall be paid in money and same turned over to precinct tax collector in the precinct where collected to be used in working the roads in said precinct.

Section 20. That any person becoming subject to road duty after the first day of January in any year shall immediately become subject to the tax or labor herein provided and shall pay or work pro rata for the remainder of the year.

Section 21. That all persons, firms or corporations, who have in their employ as many as ten or more men may be appointed to the office of road tax collector by the commissioners court and if they qualified as such collectors, may accept from each person subject to road duty in their employ, the road tax herein provided for in monthly or quarterly installments as may be provided by the court of county commissioners.

22. All road exemptions in Blount county are hereby cancelled and are null and void.

23. It shall be the duty of the court of county commissioners to have all the necessary repair work and up keep on the bond issue roads done on or before the first day of December of each year.

24. That all laws or parts of laws in conflict with the foregoing act, be and the same are hereby repealed.

Approved August 28, 1915.

No. 294.)

(H. 923—Griffin.

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AN ACT

For the relief of H. B. Pake.

*Whereas*, the road board of Marengo county, under the authority conferred by an act to provide a road law for the county of Marengo and to enforce the same, approved February 26th, 1907, (see Local Acts 1907, page 69) appointed J. H. Eppes superintendent of public roads for Old Spring Hill precinct in said county (see section 4 of said acts); and, whereas, the said J. H. Eppes accepted the said appointment and rendered faithful, and efficient service under said appointment, and for said services received a warrant on the treasurer of Marengo county, Alabama, in the following words and figures, to-wit: Linden, Ala., Mch. 10th, 1910. To the treasurer of Marengo county, Alabama. Pay to the order of J. H. Eppes \$109.00, one hundred nine and no/100 dollars for superintendent roads Spring Hill beat. By order of the commissioner's court of Marengo county, Alabama, made at the Feb. Term of said court, 1910. No. 2303. (Signed) A. L. Hasty, probate judge. Endorsed on the back of this warrant is the following: J. H. Eppes, Registered No. 3. Mar. 11, 1910. John C. Dunn, County Treasurer. And, whereas, said warrant was endorsed to for value and is now the property of H. B. Pake. And, whereas, the payment of said warrant has several times been refused payment by John C. Dunn, treasurer of Marengo county and also by W. L. Kimbrough, treasurer of Marengo county, on the ground and for the reason that said act above referred to has been declared unconstitutional and void in the case of Q. S. Adams, Tax Collector vs. Southern Railway Co., reported in the 167 Alabama Report at page 383; Therefore,

*Be it enacted by the Legislature of Alabama:*

Section One. That the probate judge of Marengo county is authorized to draw a warrant on the general fund of said county in the sum of one hundred and nine dollars (\$109.00) payable to the order of H. B. Pake, and which warrant shall be payable as other warrants on the general fund of said county.

Approved August 28, 1915.

No. 295.)

(H. 857—Davie.

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AN ACT

To authorize and direct the court of county commissioners, or board of revenue, or governing board or court of like jurisdiction in Bibb county to pay for advertising the notice and substance of local bills to be introduced in the Legislature for said county, at the lawful rate of advertising in said county, out of any money in the county treasury not otherwise appropriated, when the bills apply to the entire county, and this act shall apply to and include the notice and substance of bills advertised to be introduced at and during the present, 1915, session of the Legislature.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners or board of revenue or governing board or court of like jurisdiction in Bibb county be and the same are hereby authorized and directed to pay for advertising the notice and substance of local bills to be introduced in the Legislature for said county, at the lawful rate of advertising in said county, out of any money in the county treasury not otherwise appropriated, when the bills apply to the entire county, and this act shall apply to and include the notice and substance of bills advertised to be introduced at and during the present, 1915, session of the Legislature.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 28, 1915.

No. 297.)

(H. 728—Kyser.

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AN ACT

To validate and confirm all ordinances and resolutions of the mayor and town council of the town of Monroeville, Alabama, relating to the issue of bonds by said town to aid in the location and construction of buildings for the county high school of Monroe county, and to make it man-

datory upon the part of the municipal authorities of said town to levy a special tax to pay the interest on said bonds and to create a sinking fund to redeem said bonds at maturity.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the ordinance of the mayor and town council of the town of Monroeville, Alabama, adopted November 7, 1911, authorizing the issue of bonds of said town in the sum of seventy-three hundred (\$7,300.00) and no/100 dollars, to aid in the location and construction of buildings for the county high school of Monroe county, located in said town, such bonds to run for a term of ten years from date of issue, bearing interest at the rate of five per centum per annum, and the action of the mayor and town council of Monroeville in creating a sinking fund of five hundred dollars per annum for the purpose of redeeming said bonds at maturity, and all ordinances and resolutions of the mayor and town council of said town relating to the issue of said bonds by said town for said purpose be, and the same hereby, are in all things ratified, validated and confirmed.

Sec. 2. That it shall be mandatory upon the mayor and town council of the town of Monroeville, Alabama, to levy a special tax annually on all real and personal property situated in said town, subject to taxation, for the purpose of raising revenue to pay the interest on said bonds and to create a sinking fund to redeem said bonds at maturity.

Approved August 28, 1915.

No. 298.)

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AN ACT

(H. 595—Lapsley.

To provide for the punishment of violations of rules, regulations, or laws made by the court of county revenues of Dallas county, Alabama, relating to public roads and bridges.

*Be it enacted by the Legislature of Alabama:*

Section 1. That it shall be unlawful for any person, firm or corporation to violate any rule, regulation or law, lawfully made by the court of county revenues of Dallas county, Alabama, under the authority vested in it under section 5765 of the Code of Alabama, and any violation of any such rule, regulation or law shall be punished by a fine, not exceeding one hundred dollars or hard labor for the county not exceeding thirty days, either or both.



Sec. 2. Justices of the peace are hereby given jurisdiction of the offense hereby created; and this law shall apply only to Dallas county.

Approved August 28, 1915.

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No. 305.)

(H. 645—Smith of Geneva.

### AN ACT

To repeal "An act to establish an inferior court of record for Geneva county; to prescribe and define the jurisdiction thereof, and to provide for the officers thereof," approved February 27, 1903, and to provide for the disposition of the records of the inferior court of Geneva county.

*Be it enacted by the Legislature of Alabama:*

1. That "an act to establish an inferior court of record for Geneva county, to prescribe and define the jurisdiction thereof, and to provide for the officers thereof," approved February 27, 1903, be and the same is hereby repealed.

2. That all of the books, files and records of the inferior court of record herein abolished, shall be turned over by the clerk thereof to the clerk of the circuit court of Geneva county.

3. That the provisions of this act shall become effective on the 31st day of July, 1916.

Approved August 28, 1915.

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No. 306.)

(H. 1310—Vaughan.

### AN ACT

To authorize the board of revenue of Montgomery county to furnish the several offices of said county with equipment and conveniences, including janitor service and telephone service.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the board of revenue of Montgomery county is hereby authorized and empowered to furnish the several offices of said county with equipment and conveniences, including janitor service and telephone service, as may in the discretion of said board be necessary or proper for the conduct of the public business of said county.

Approved August 28, 1915.

No. 309.)

(H. 1343—Hudson.)

## AN ACT

To amend an act entitled an act to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county; to prescribe his duties, fix his salary and provide for the selection for said office. Approved Feb. 21, 1907.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act entitled an act to create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county; to prescribe his duties, fix his salary and provide for the selection for said office, approved Feb. 21, 1907, be amended so as to read as follows: That immediately after the passage of this act there shall be appointed by the solicitor of Montgomery county an assistant solicitor for said county, who shall be learned in the law and a resident of said county, and who shall hold office at the pleasure of the solicitor of Montgomery county, and that there is hereby created the office of assistant solicitor for the county of Montgomery in lieu of the present office of deputy solicitor for said county.

Sec. 2. That it shall be the duty of the assistant solicitor to perform all the duties which heretofore devolved on the deputy solicitor of said county, to prosecute all criminal cases in the court of common pleas where a jury is had and to prosecute such other criminal cases when directed to do so by the judge of said court of common pleas, and to perform any and all other duties as may be required of him by the solicitor of Montgomery county. That he may attend upon grand juries in the city court of Montgomery when so required by the solicitor of said county.

Sec. 3. That there shall be charged a solicitor's fee the same as now charged for like offenses in the city court of Montgomery and collected as solicitor's fees are now collected in the city court of Montgomery in all cases in which the said assistant solicitor shall appear, and prosecute to a conviction. Provided further that the solicitor's fees so taxed as costs shall be paid into the county treasury as solicitors fees are now paid in the city court of Montgomery.

Sec. 4. That the said assistant solicitor shall receive as compensation for his services as such the sum of eighteen hundred dollars per annum to be paid in monthly installments of one hundred and fifty dollars by the county of Montgomery, out of the general funds of said county.

Sec. 4½. This act shall take effect as soon as it shall become a law.

Sec. 5. That all laws and parts of laws, both general, special and local in conflict with this act be and the same are hereby repealed.

Approved August 31, 1915.

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No. 312.)

(S. 577—Higgins.

AN ACT

To repeal the charter of the municipal corporation of the town of Vinemont in the county of Cullman.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the charter of incorporation of the town of Vinemont in the county of Cullman be and the same is hereby repealed.

Approved August 28, 1915.

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No. 317.)

(H. 854—Davie.

AN ACT

To amend section 1 of an act entitled an act to incorporate the town of West Blocton, in Bibb county, Alabama, so far as said section relates to the boundary lines of said town, approved March 4, 1901; and to repeal an act to amend said section 1, enacted by the Legislature and approved February 16, 1907.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the corporate limits of said town shall extend over and include the following described territory, to-wit: The southwest quarter of section 13, and the southeast quarter of the southeast quarter of section 14, except the following described parcel of land in said quarter, to-wit: Begin at the southwest corner of said southeast quarter of the southeast quarter of section 14, thence go north along its western boundary line ten chains and twenty links, thence go east three hundred and seventy-five feet more or less to the public road at that point, thence go south ten chains and twenty links to the southern boundary line of said section, thence go west to the point of beginning; but including four acres square in the

southeast corner of the northeast quarter of the southeast quarter of said section 14; and also including a tract of land described as follows, to-wit: Begin at the northeast corner of the southeast quarter of the southwest quarter of section 13, thence go in an easterly direction to the northernmost corner of the lot occupied by the Episcopal church, thence, along the line of said lot going in a southeasterly direction to the east boundary line of the southwest quarter of the southeast quarter of said section 13, thence south to the southeast corner of said quarter, thence west to the southeast corner of the southeast quarter of the southwest quarter of said section 13; all the above described lands being in township 22, south of range 6, west, in Bibb county, Alabama.

Sec. 2. *Be it further enacted*, That all laws or parts of laws in conflict with this act, be and the same are hereby repealed.

Approved August 28, 1915.

No. 319.)

(H. 911—Weakley.

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AN ACT

To provide for the payment of all State witnesses summoned to appear before the grand jury in Jefferson county, or summoned to testify as witnesses for the State in the circuit and criminal courts of said county, or other court of similar jurisdiction, and in the city court of Bessemer.

*Be it enacted by the Legislature of Alabama:*

Section 1. That on and after January 1, 1916, all State witnesses summoned to appear before the grand jury in Jefferson county, or summoned to testify as witnesses for the State in the circuit and criminal courts of said county, or other court of similar jurisdiction, and in the city court of Bessemer, shall be paid one dollar per day, and two and a half cents for each mile traveled in going to and returning from the court house of said county in which the witness testifies, and the clerk of the circuit or criminal court or the clerk of the city court of Bessemer, as the case may be, shall give to each witness a certificate showing the number of days he has attended as a witness before the grand jury, or before said court, or either of them, and the number of miles he has traveled in going and returning from the court house, and the amount he is entitled to receive for such attendance and mileage, and the treasurer of Jefferson county shall pay said certificates in cash out of the general funds of the county on presentation.

Sec. 2. That it shall be the duty of the clerks of said courts to collect out of the funds paid over to them the said witness certificates and mileage and when collected, shall pay the same into the treasury of Jefferson county.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 28, 1915.

No. 321.)

(H. 1023—Carleton.

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AN ACT

To require the commissioners court of Tallapoosa county, Alabama, to publish a financial statement of its proceedings at each regular, revenue, special and adjourned term in a newspaper published in said county offering to do the work on the best terms; to require said court to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication and to provide the compensation out of the treasury of said county for furnishing such copy and publishing same.

*Be it enacted by the Legislature of Alabama:*

Section 1. That from and after the approval of this act the commissioners court of Tallapoosa county, Alabama, be required to publish a financial statement of its proceedings at each regular, revenue, special and adjourned term, in the newspaper printed and published in said county offering to publish the same on the best terms.

Sec. 2. That at its first regular meeting after the approval of this act, and at its regular meetings in each year thereafter, the commissioners court of said county shall, determine the paper offering the best terms of publication, and shall designate such paper in which such publication will be made.

Sec. 3. Immediately after the adjournment of each regular, revenue, special or adjourned term of the commissioners court of said county, the judge of probate of said county, or in case the court is held without the judge of probate, the special clerk appointed for such term shall furnish to the publisher of said newspaper a true copy of the minutes and proceedings of said court at such term for publication.

Sec. 4. The publisher of said newspaper shall furnish the treasurer of said county a copy of the newspaper in which said publication is made and it shall be the duty of the treasurer to count the number of words in said minutes, and pay the said publisher on demand for said publication. The said treasurer

shall also pay the probate judge, or the clerk of the court furnishing said copy, at the rate of fifteen cents per 100 words out of the funds of the county treasury.

Approved August 28, 1915.

No. 324.)

(H. 1117—Scott.

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AN ACT

To vacate and annul the charter and dissolve the corporation of the town of Adamsville.

*Be it enacted by the Legislature of Alabama:*

That the charter of the town of Adamsville in Jefferson county, Alabama, whether created by authority of special statute or under the general law, be and the same is hereby vacated and annulled and that the corporation of the town of Adamsville, incorporated, known and styled as the town of Adamsville, be and the same is hereby dissolved, and all local and special acts in conflict or inconsistent with the provisions of this act be and the same are hereby repealed.

Approved August 31, 1915.

No. 325.)

(H. 1144—Walden.

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AN ACT

To authorize and direct the commissioners' court of Morgan county, Alabama, to audit and allow all officers' and witnesses' claims and fees for costs taxed against defendants who have been sentenced in criminal cases to perform hard labor on the county roads of Morgan county, Alabama, where such costs and fees are actually worked out on said roads by such defendants, and to certify the same to the county treasurer of Morgan county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Morgan county, Alabama, shall quarterly each year audit and allow all officers' and witnesses' claims and fees for costs taxed against said defendants convicted of criminal offenses, and sentenced to perform hard labor for the county of Morgan on the county roads of said county, where said costs and fees are actually worked out on said roads by such defendants and certify the same to the county treasurer. Provided that solicitors fees

provided for in this act shall be paid out of the fine and forfeiture fund of Morgan county.

Sec. 2. *Be it further enacted*, That immediately upon the passage of this act and its approval by the Governor, said commissioners court shall meet, audit and allow the claims and fees taxed against defendants charged with criminal offenses who have already worked out said claims on the county roads of Morgan county, Alabama, and shall allow the same and certify the same to the county treasurer, and direct the immediate payment thereof out of the general funds of said county. Provided that nothing herein shall be so construed by the county commissioners of Morgan county so as to make it a preferred claim against the general fund of Morgan county.

Sec. 3. *Be it further enacted*, That the county treasurer of Morgan county, Alabama, shall, as soon as he has been directed by the commissioners' court of said county so as to do, pay out of the general funds in the treasury of Morgan county, Alabama, claims of the officers and witnesses taxed against defendants as hereinabove specified.

Sec. 4. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, and that this act shall go into effect immediately upon its approval by the Governor.

Approved August 31, 1915.

No. 326.)

(H. 1152—Judge.

#### AN ACT

To amend sections 2 and 3 of an act entitled "An act to establish a board of revenue for Shelby county, and to abolish the court of county commissioners thereof," passed at the session of 1911, being in Local Acts of Alabama, page 154 said amendment making the president thereof elective by the qualified voters of the county, and dividing the county in four districts, and making one member elective by the qualified electors of each of said four districts of which he shall be a resident and qualified voter, and fixing the term of office of said president and members of said board and the time of their election; and providing that the Governor shall appoint successors to those two members whose term of office expires in the year 1915, and prescribing their term of office.

*Be it enacted by the Legislature of Alabama:*

1. That section 2 of said act be amended so as to read as follows: "2. The president of said board shall be elected as hereinafter provided by the qualified electors of said county and one member shall be elected by the qualified voters of each

of the four districts of the county, of which he shall be a resident and qualified elector. The said four districts shall be constituted as follows: District No. 1 shall be composed of the following voting precincts, to-wit: Precincts Nos. 1, 2, 8, and 9; district No. 2 shall be composed of the following voting precincts to-wit: Precincts Nos. 3, 4, 7, 19; district No. 3 shall be composed of the following voting precincts, to-wit: Precincts Nos. 5, 6, 12, 13, and 17; district No. 4 shall be composed of the following voting precincts, to-wit: Precincts Nos. 10, 11, 14, 15, 16, and 18."

2. That section 3 of said act be amended so as to read as follows: "3. The president and the members of said board for districts 1 and 2 shall be elected at the general election held for said county in the year 1916, and every four years thereafter, and their term of office, and that of their successors, shall begin on the first Monday after the second Tuesday of January next after their election, and they shall hold their office for four years, and until their successors are elected and qualified. The first members for district 3 and 4 shall be elected at the general election to be held for said county in the year 1916, and their term of office shall begin at the expiration of the term of office of the two members appointed in the year 1913, and they shall hold their office until the first Monday after the second Tuesday in January, 1919, and until their successors are elected and qualified. Thereafter, members for district 3 and 4 shall be elected at the general election to be held for said county in the year 1918, and every four years thereafter, and their term of office and that of their successors shall begin on the first Monday after the second Tuesday in January next after their election, and they shall hold their office for four years and until their successors are elected and qualified; provided the Governor, within fifteen days before the expiration of the term of office of those two members whose term expires in the year 1915, shall appoint their successors, whose term of office shall begin on the said expiration of the term of said two members, and who shall hold their office until the first Monday after the second Tuesday in January, 1917, and until their successors are elected and qualified.

Approved September 2, 1915.



No. 327.)

(H. 1164—Bealle.

## AN ACT

To alter and rearrange the boundary lines of the town of Northport, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the boundary lines of the town of Northport, Alabama, be altered and re-arranged, so as to include the following described property, to-wit: Beginning at the southeast corner of section sixteen (16), in township twenty-one (21), range ten (10) west; running south  $89^{\circ} 30'$  west twenty-six hundred and forty (2640) feet to a stake; thence north  $33^{\circ} 30'$  west fifteen hundred and fifty-three (1553) feet, to south margin of the Columbus Road; thence north  $5^{\circ}$  west two hundred and forty-three (2243) feet to center of Mobile and Ohio Railroad Company's main track; thence north  $49^{\circ} 58'$  east two hundred and ninety-one (2091) feet to the northeast corner of the northwest quarter of the northeast quarter of section sixteen (16), township twenty-one (21), range ten (10) west; thence north  $89^{\circ} 30'$  east twenty-six hundred and forty (2640) feet to the northeast corner of the northwest quarter of the northwest quarter of section fifteen, township twenty-one, range ten west; thence south  $33^{\circ} 30'$  east thirty-one hundred and fourteen (3114) feet to south margin of Rice's Coal Road; thence south eighteen hundred and sixty-six (1866) feet to north bank of Warrior river; thence westwardly along the northern margin of the Warrior river twenty-five hundred and fifteen (2515) feet to a point on the north and south section line between sections twenty-one (21) and twenty-two (22) in township twenty-one (21), range ten (10) west, where said section line intersects the low water margin on the north side of the Warrior river; thence northerly along said section line five hundred (500) feet to point of beginning.

Sec. 2. That the provisions of this act shall not go into effect until the first day of January, 1916, except as to those provisions for the holding of the election and declaration of the result herein provided for.

Sec. 3. That an election shall be called by the mayor of the town of Northport within not less than thirty days nor more than ninety days from the date of the passage and approval of this act, throughout the entire territory described in the first section of this act, to determine whether or not the same shall

go into effect. At such election all the qualified electors residing within the territory described in section one hereof shall be entitled to vote. There shall be an official ballot furnished by the town of Northport, upon which shall be printed the words "For Enlargement" and also the words "Against Enlargement." Those favoring the incorporation of the territory mentioned in section one into the town of Northport, shall manifest the same by making a cross mark, thus: X, either before or after the words "For Enlargement;" those opposed shall manifest the same by making a cross mark, thus: X, either before or after the words "Against Enlargement." If at such election a majority of all the legal voters participating therein shall vote in favor of the enlargement, then this act shall become in full force and effect on the first day of January, 1916; but if a majority of the qualified voters participating in such election shall vote against enlargement, then this act shall be null and void. This election shall be held under the provisions of the general laws of this State, as far as the same may be applicable, and except as herein modified. Election booths and polling places shall be provided at the regular polling place in the present limits of the town of Northport, and at such other places as may be designated by the mayor of the town of Northport; if no polling place is designated in the unincorporated territory, or any part thereof, which is included in the description in section one of this act, then the qualified electors therein shall vote at the regular voting place at which they are accustomed to vote in general elections. There shall be three managers, two clerks and one returning officer of said election at each polling place, to be appointed by the mayor of Northport. At least one manager at each polling place and one clerk at each polling place shall be appointed from a list of those favoring enlargement, to be furnished by the advocates of the measure, and at least one manager and one clerk opposed to enlargement shall be appointed from a list furnished by the opponents of the movement, provided such lists are so furnished; if no lists are furnished, then it shall be the duty of the mayor of the town of Northport to see, as far as practicable, that those favoring and those opposing the movement shall have representation at each polling place. In addition thereto, the advocates of the measure having the matter in charge shall have the right to designate, at each polling place on the day of the election, a watcher, who may also act as challenger, and the opponents of the measure shall have the same right. Within twenty-four hours from

the time of holding such election, it shall be the duty of the returning officer at each polling place to bring the returns to the mayor of Northport, at this office, and within three days from the holding of the election it shall be the duty of the mayor and aldermen of Northport to consolidate the returns and canvass the vote, and declare the result, acting in that respect as a canvassing board under the general laws of the State. The mayor of Northport shall give notice of the day of holding such election and of the places of voting, in case he should in his discretion appoint any voting places in said territory in addition to the regular voting place, by publication in the *West Alabama Breeze*, a newspaper published in the town of Northport, at least once a week for four consecutive weeks before the day of holding such election. Notice shall also be given by the mayor of Northport of the result of said election within fifteen days after the vote shall have been canvassed as herein provided, by publication at least twice in the said *West Alabama Breeze*. The managers, clerks and returning officers of said election shall be entitled to the same compensation as managers, clerks and returning officers in general elections, and such compensation shall be paid by the town of Northport as other bills of such town are paid. All vacancies caused by failure or refusal of the managers, clerks and returning officers to serve, shall be filled in the same manner as such vacancies are filled under the general election laws of the State.

Approved September 1, 1915.

No. 328.)

(H. 1174—Bradshaw.

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AN ACT

To define the boundaries and corporate limits of the town of Rogersville, Lauderdale county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the boundaries and corporate limits of the town of Rogersville, Lauderdale county, Alabama, are hereby declared to be as follows: Beginning at the northeast corner of the southeast quarter of section thirty-three (33), township two (2), range seven (7), west; thence west one (1) mile to the northwest corner of the southwest quarter of said section; thence south one (1) mile to the southwest corner of the northwest quarter of section five (5), township three (3), range

seven (7), west; thence east one (1) mile to the southeast corner of the northeast quarter of said section five; thence north one (1) mile to the point of beginning.

Sec. 2. This act shall become effective immediately upon its passage and approval by the Governor.

Sec. 3. All laws and parts of laws in conflict with this act are hereby repealed.

Approved September 1, 1915.

No. 329:)

(H. 1182—Ellis.

### AN ACT

To authorize the court of county commissioners of Bullock county, Alabama, to pay to the First National Bank of Union Springs, Alabama, out of the funds of said county the sum of two hundred ninety-two and 20/100 dollars, with interest thereon from January 20, 1912, repaid by said bank into the treasury of Bullock county, Alabama, on the demand of J. T. Gorman, examiner of public accounts, and which sums represent items of interest paid by Geo. W. Champion, as county treasurer of Bullock county, Alabama, out of the funds of said county to said the First National Bank of Union Springs, Alabama, during the period intervening between, to-wit: January 14, 1909 and to-wit: October 14, 1911, to cover interest charges made by said bank when said county had no funds to its credit or on deposit in said bank. Whereas, Geo. W. Champion, was the county treasurer of Bullock county, Alabama, during the period from to-wit: January 14, 1909 to-wit: October 14, 1911, inclusive, and during said period the First National Bank of Union Springs, Alabama, was the depository of said treasurer, and Whereas, during said period said bank paid warrants drawn of said Geo. W. Champion, as such treasurer, at the request of the court of county commissioners of Bullock county, Alabama, amounting to various and sundry items at times when there were no funds belonging to said county in said bank, and which warrants were legal claims against said county, and Whereas, said court of county commissioners had agreed, prior to the payment of said warrants, to pay said bank the legal rate of interest on amounts so paid by it when said county had no funds on deposit in said bank, and Whereas, said treasurer paid to said bank out of the funds of said county at various times during the period intervening between, to-wit: January 14, 1909, and to-wit: October 14, 1911, the sum of two hundred ninety-two and 20/100 dollars, to cover such interest charges which said J. T. Gorman, as examiner of public accounts for the State of Alabama, a short time before January 20, 1912, demanded that said bank should refund to said county on the ground and for the reason the said treasurer had no authority to pay said interest charges, and which sum, on such demand, the said bank did on January 20, 1912, repay into the county treasury of Bullock county, Alabama, and Whereas, it seems just and equitable that such interest should have been paid by said county under the circumstances hereinbefore detailed, therefore

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Bullock county, Alabama, be and they are hereby authorized and

empowered to draw their warrants on the treasurer of Bullock county, Alabama, for the sum of two hundred ninety-two and 20/100 dollars, with interest thereon from January 20, 1912, to cover the amount thereof, and the interest thereon, from January 20, 1912, repaid by said bank into the county treasury of Bullock county, Alabama, on the demand of J. T. Gorman, examiner of public accounts, and which sum represents items of interest paid by Geo. W. Champion, as county treasurer of Bullock county, Alabama, out of the funds of said county to the said The First National Bank of Union Springs, Alabama, during the periods intervening between, to-wit: January 14, 1909 and to-wit, October 14, 1911, to cover interest charges made by said bank on account of warrants drawn on him as such county treasurer, and paid by said bank when said county had no funds to its credit or on deposit in said bank.

Sec. 2. *Be it further enacted by the Legislature of Alabama,* That the county treasurer of Bullock county, Alabama, be and he is hereby authorized and directed to pay out of any money in the treasury of said county the amount of any warrant drawn on him by the court of county commissioners of Bullock county, Alabama, in favor of The First National Bank of Union Springs, Alabama, for and on account of the matters referred to in the first section of this act.

Approved September 1st, 1915.

No. 330.)

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AN ACT

(H. 1243—Wittmeier.

To require the commissioners' court to advertise for competitive bids for stationery and office supplies for Blount county.

*Be it enacted by the Legislature of Alabama:*

1. That all stationery and office supplies, used by the several county officers and employees, and paid for out of the county treasury, shall be purchased only after competitive bids therefor have been publicly advertised in accordance with the stipulations hereinafter provided.

2. That the several county officers and employees requiring stationery and office supplies, shall submit to the court of county commissioners an estimate of the character, number and quantity of the stationery and other supplies and items, needed by them from time to time in the conduct of their several offices

and work, and they shall also, if practicable, submit samples, with a statement as to the price paid for such items when last ordered or supplied.

3. That, on the receipt of such requisition or requisitions, the court shall advertise in three consecutive issues of a newspaper published in Blount county, for bids for such stationery and office supplies, which advertisement shall contain a description of the character and approximate number and quantity required, the place where specifications and samples can be examined, and the time and place where the contract shall be let; and all bids shall be in writing, and submitted under sealed enclosure.

4. That all contracts shall be let to the lowest bidder, provided, however, that if the bids are not satisfactory, the court may reject any and all bids; and must again advertise, as if no proceedings were had hereunder.

Approved September 1, 1915.

No. 331.)

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AN ACT

(H. 1247—Doyle.

To regulate and fix the fees and compensation of witnesses before grand juries, and witnesses in all cases in the county court and in the circuit court of Clarke county.

*Be it enacted by the Legislature of Alabama:*

1. That from and after the passage of this act the fees of all witnesses summoned to appear before the grand juries and summoned to appear in all cases in the county court, and in the circuit court of Clarke county, to be paid the sum of one dollar and a half per day, and ten cents a mile traveled one way, computed by the nearest route.

2. That all laws and parts of laws, general or local, in conflict herewith are hereby repealed.

Approved September 2, 1915.

No. 332.)

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AN ACT

(H. 1250—Darden.

To abolish the office of county treasurer of Coosa county, and to provide for the commissioners' court of Coosa county to contract with one or more banks in the county to handle the county funds and to discharge the other duties now provided by law to be discharged by the county treas-

urer of Coosa county, and to provide for the payment of interest on monthly balances on county funds in said bank or banks and to provide for payment of taxes by the tax collector to the bank or banks handling county funds.

*Be it enacted by the Legislature of Alabama:*

1. The office of county treasurer of Coosa county, State of Alabama, is hereby abolished; provided, that nothing contained herein shall effect the term of office of present county treasurer.

2. At the expiration of the present county treasurer's office, he is hereby required to make a complete and final settlement of the affairs of his office with the court of county commissioners of Coosa county and deliver all funds, documents and books pertaining to his office to the said commissioner's court of said county.

3. The court of county commissioners of Coosa county is hereby directed and empowered to contract with one or more banks located in said county, to handle the funds of the county, and to discharge the other duties now required by law of the county treasurer of said county. Said court shall contract with the bank or banks that will pay to the county the highest rate of interest on the monthly balances of the county's funds, and each and every bank may appear by their representative before the court and make its bid for handling of the county's funds or may make sealed bids if directed by the court, which must be opened in the presence of the court and the bidders, if they desire to be present. One of the banks designated must be located at the county site.

4. Before entering upon the discharge of their duties such bank or banks designated by the court of county commissioners, shall execute a good and solvent bond in double the probable sum that may be in their hands at any one time, payable as now provided by law, and approved by the judge of probate of Coosa county, which bond he must record in his office. The bond herein required must be made by a surety company, authorized to do business in the State of Alabama, with a capital stock of not less than one hundred thousand dollars. The premiums on said bond or bonds shall be paid by the court of county commissioners at their first meeting after the execution and approval of said bond or bonds. Nothing contained in this act shall be deemed mandatory on the court of county commissioners of said county to contract with more than one bank.

4. The bank, or banks, designated by the court of county commissioners, shall make quarterly reports to the said court, and certify to the same before an officer authorized to administer oaths, and shall show in said statement the receipts and disbursements, duly itemized, and the monthly balance. Such bank or banks shall place to the credit of the county each month the interest on monthly balances as per their contract with the county commissioners. Such bank, or banks shall discharge, in addition, all the other duties now required by law of the county treasurer.

5. The tax collector of Coosa county, shall, pay over to such bank, or banks, the money he collects for the county each week, taking the receipts of such bank or banks in duplicate, one for himself, and one for the probate judge, which he shall immediately cause to be delivered to said probate judge, of which he shall keep a record.

6. The bank or banks, so designated shall not pay out any money except in the manner now provided by law. All the provisions of section 211 of the 1907 Code are hereby in all things retained, except the provisions thereof in conflict with the provisions of this act and such conflicting provisions are repealed.

7. No compensation, salary or commission shall be allowed to nor charged by, said bank or banks, for their services as provided herein.

8. All laws and parts of laws in conflict herewith are hereby repealed.

Approved September 2, 1915.

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No. 333.)

(H. 1286—Hubbard.

### AN ACT

To better provide for the working of the public roads of Pike county, to require the court of county commissioners of said county to employ a civil engineer who shall be learned in the art and science of road and bridge building; to fix the salary of such engineer and say how the same shall be paid; to prescribe the duties of such engineer and to provide a conveyance to be used by him in connection with such duties; to provide that all work on the roads and bridges of said county, other than work done by convict labor and by persons subject to road duty shall be done by contracts; to say how such contracts shall be made and how payments shall be made thereon; to require the probate judge of said county to keep records of all contracts and all expenditures made with reference to the public roads and bridges of said county; and to repeal all laws in conflict with this act in so far as Pike county is concerned.



*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Pike county be and they are hereby required to employ a civil engineer who shall be learned in the art and science of road and bridge building, who shall be paid such compensation as may be agreed upon, not exceeding eighteen hundred dollars per annum, who shall devote his entire time to the road and bridge work of said county under the orders and instructions of said court of county commissioners. It shall be the duty of such engineer to keep informed as to the condition and needs of the roads and bridges of said county; he shall from time to time make reports to the court of county commissioners of the condition of the roads and bridges of the county; and he shall make such recommendations as he may deem necessary or advisable for the good of the same. He shall make plans and specifications for such work as said court of county commissioners may determine; he shall superintend all road and bridge work being done in the county; and he shall do and perform such other duties in connection with such road and bridge work as may be required of him by said court of county commissioners.

Sec. 2. Said court of county commissioners shall furnish to such engineer a suitable conveyance to be used exclusively in connection with and in the performance of his duties on and about the roads and bridges of said county. The costs and maintenance of such conveyance shall be paid by warrants drawn on the general fund of the county by order of the court of county commissioners. The salary of said engineer shall be paid monthly by warrants drawn on the general fund of the county by order of said court of county commissioners.

Sec. 3. All work upon the public roads and bridges of said county, other than that done by convict labor and by persons subject to road duty, shall be done by contracts made with some person, partnership or corporation by said court of county commissioners for and on behalf of Pike county. Before making or entering into any contract for any such work or for material to be used in such work, said court of county commissioners shall cause said engineer to make complete plans and specifications of the work proposed to be done and file the same in the office of the probate judge of said county; and all contracts shall be made with respect to such plans and specifications.

Sec. 4. When the total costs of the work to be done, or the material to be furnished, under any one contract does not exceed fifty dollars, the contract for the same may be let out pri-

vately or by competitive bids as said court of county commissioners may by order determine. When the total cost of the work to be done, or the material to be furnished under any one contract exceeds fifty dollars, such contract shall be let out to the lowest responsible bidder, such bids being received at public outcry in front of the court house of said county, or by sealed bids filed with the probate judge of said county, as the said court of county commissioners may by order determine. Notice of the time and place at which bids shall be received at public outcry, or of the time and place which sealed bids shall be opened, shall be given by publication in some newspaper published in said county for thirty days prior thereto. When any contract for work, or material, one or both, is made by said court of county commissioners, one copy of such contract and the plans and specifications therefor shall be filed in the office of the probate judge of said county, one copy of the same shall be given to the contractor, and one copy shall be given to the said engineer.

Sec. 5. Not exceeding eighty per cent of the total amount of work done, or material furnished, on any contract shall be paid until such contract has been fully complied with and accepted; no partial payments shall be made on any such contract except upon estimates made by said engineer; no final settlements shall be made on any contract until the work to be done, or the material to be furnished, has been inspected and approved by the said engineer and his report thereon made in writing to the said court of county commissioners; and all warrants issued contrary to the provisions of this section shall be null and void.

Sec. 6. No member of the court of county commissioners of said county shall have, directly or indirectly, either individually, as a partner, or as a stock holder, any financial interest in any contract made by said court of county commissioners with any person, partnership, or corporation for the performance of any work upon the public roads and bridges of said county or for the supplying or furnishing of any material, equipment, tools, implements, feed, teams, or other supplies for use in and about any work done, or to be done, upon the public roads and bridges of said county. All contracts made and all accounts for any such supplies furnished contrary to the provisions of this section shall be null and void.

Sec. 7. It shall be the duty of the probate judge of said county as ex-officio secretary of the court of county commis-

sioners, to keep in suitable files appropriately arranged for ready reference all contracts made by said court of county commissioners, all plans and specifications with reference to which any contract is made, and all sealed bids made on any work to be done, material or supplies to be furnished, for the county in and about any public road or bridge work of the county; he shall keep in such files all invoices for goods, materials and supplies, of whatever kind, bought or furnished for any work upon the roads and bridges of said county; and he shall keep in a well bound loose leaf ledger, with permanent binder, under appropriately classified headings, a complete, itemized record of all expenditures for and on account of the road and bridge work of said county, said record shall show the date, number and payee of the warrant issued in payment of each item of such expenditures. And all such contracts, plans and specifications, books, vouchers and other records, shall at all reasonable hours be open to the inspection of any citizen of said county.

Sec. 8. All laws and parts of laws in conflict with the provisions of this act be and the same are, hereby repealed in so far as Pike county is concerned.

Approved September 1, 1915.

No. 334.)

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AN ACT

(H. 1297—Blunt.

To relieve the Honorable W. H. Harris, as county treasurer of Washington county, Alabama, from the payment of four hundred and 00/100 (\$400.00) dollars, made by him as treasurer of Washington county, Alabama, to agents of hard labor for Washington county, Alabama, from the first day of October, 1910, to the first day of October, 1913, both inclusive, being for four years, which payments were made under the orders and on a warrant of the court of county commissioners of Washington county, Alabama, acting under the provisions of the act approved November 30th, 1907.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the payments made by the county treasurer of Washington county, Alabama, W. H. Harris, to James N. Granade, acting as agent for hard labor for Washington county, Alabama, of \$100.00, for services as agent for hard labor, for Washington county, Alabama, for the year 1910, and also the payment of \$100, made by the said W. H. Harris, acting as county treasurer of Washington county, Alabama, to the

said James N. Granade, acting as agent for hard labor for Washington county, Alabama, for the year 1911, be and the same hereby are ratified and confirmed, and the said W. H. Harris is relieved from any liability to the county of Washington, or to the State of Alabama, for said payments.

Sec. 2. *Be it further enacted by the Legislature of Alabama,* That the payment made by the county treasurer of Washington county, Alabama, W. H. Harris, to Ben D. Turner, acting as agent for hard labor for Washington county, Alabama, of \$100.00, for services as agent of hard labor for Washington county, Alabama, for the year 1912, and also the payment of \$100.00, made by the said W. H. Harris, acting as county treasurer of Washington county, Alabama, to the said Ben D. Turner, acting as agent of hard labor for Washington county, Alabama, for the year 1913, be and the same hereby are ratified and confirmed, and the said W. H. Harris, is relieved from any liability to the county of Washington, or to the State of Alabama, for said payments.

Sec. 3. *Be it further enacted by the Legislature of Alabama,* That the acts of the court of county commissioners of Washington county, Alabama, in issuing four certain warrants, payable on the county treasurer of Washington county, Alabama, the first being issued to James N. Granade, in the sum of \$100.00, for his services as agent of hard labor for Washington county, Alabama, for the year 1910, the second, issued to James N. Granade, in the sum of \$100, for his services as agent of hard labor for Washington county, for the year 1911, the third, issued to Ben D. Turner, in the sum of \$100.00, for his services as agent for hard labor for Washington county, Alabama, for the year 1912, and the fourth, issued to B. D. Turner, in the sum of \$100.00, for his services as agent of hard labor for Washington county, Alabama, for the year 1913, the said agents of hard labor being employed by the said court of county commissioners of Washington county, Alabama, and having performed their services for the said county, under the provisions of the act of the Legislature of Alabama, of November 30th, 1907, be and the same are hereby ratified, confirmed, and declared legal and binding on the county of Washington, and the State of Alabama.

Sec. 4. *Be it further enacted by the Legislature of Alabama,* That any or all laws, or parts of laws, in conflict with the provisions of this act, be and the same hereby are repealed.

Sec. 5. *Be it further enacted by the Legislature of Alabama,* That this act shall go into effect immediately upon its passage.

Approved September 1, 1915.

No. 335.)

(H. 1318—Ellis.

### AN ACT

To authorize the court of county commissioners of Bullock county, Alabama, to pay to the Merchants and Farmers Bank of Union Springs, Alabama, out of the funds of said county, the sum of \$394.10 with interest thereon from January 20th, 1912, to cover the amount with the interest thereon from January 20th, 1912, repaid by said bank into the treasury of Bullock county, Alabama, on the demand of J. T. Gorman, examiner of public accounts and which sum represents items of interest paid by A. B. Strickland as county treasurer of Bullock county, Alabama, out of the funds of said county to the said Merchants and Farmers Bank during the periods intervening between January 14th, 1905, and January 20th, 1909, to cover interest charges made by said bank on account of warrants drawn on him as such treasurer and paid by said bank when said county had no funds to its credit or on deposit in said bank. Whereas A. B. Strickland was the treasurer of Bullock county, Alabama, during the period from January 14th, 1905, to January 20th, 1909, inclusive and during said period the Merchants and Farmers Bank of Union Springs, Alabama, was a depository of said treasurer, and Whereas during said period the said bank paid warrants drawn on said A. B. Strickland as such treasurer at the request of the court of county commissioners of Bullock county, Alabama, amounting to various and sundry sums at times when there were no funds belonging to said county in said bank and which warrants were legal claims against said county and Whereas said court of county commissioners had agreed prior to the payment of said warrants to pay said bank the legal rate of interest on amounts so paid by it when said county had no funds on deposit in said bank, and Whereas said treasurer paid to said bank out of the funds of said county at various times during the periods intervening from January 14th, 1905, to January 20th, 1909, the sum of \$394.10 to cover such interest charges which sum J. T. Gorman as the examiner of public accounts for the State of Alabama a short time prior to January 12th, 1912, demanded that said bank should refund to said county on ground and for reason that said treasurer had no authority to pay said interest charges and which sum on such demand the said bank did on January 20th, 1912, repay in the treasury of Bullock county, Alabama, and Whereas it seems just and equitable that such interest should have been paid by said county under circumstances hereinbefore detailed, therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Bullock county, Alabama, be and they are hereby authorized and empowered to draw their warrant on the treasurer of Bullock county, Alabama, in favor the Merchants and Farmers Bank of Union Springs, Alabama, for the sum of \$394.10 with interest thereon from January 20th, 1912, to cover the amount of and

the interest thereon from January 20th, 1912, repaid by said bank into the county treasury of Bullock county, Alabama, on the demand of J. T. Gorman, examiner of public accounts and which sum represents items of interest paid by A. B. Strickland as county treasurer of Bullock county, Alabama, out of the funds of said county to the said Merchants and Farmers Bank during the periods intervening between January 14th, 1905, and January 20th, 1909, to cover interest charges made by said bank on account of warrants drawn on him as such county treasurer and paid by said bank when said county had no funds to its credit or on deposit in said bank.

Sec. 2. *Be it further enacted by the Legislature of Alabama,* That the county treasurer of said Bullock county, Alabama, be and is hereby authorized and directed to pay out of any money in the treasury of said county the amount of any warrant drawn on him by the court of county commissioners of Bullock county, Alabama, in favor of the Merchants and Farmers Bank for and on account of the matters referred to in the first section of this act.

Approved September 1, 1915.

No. 336.)

(H. 1341—Griffin.

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AN ACT

To authorize and empower the Marengo law and equity court to revive and enforce judgments, orders and proceedings entered, prior to the passage of this bill, in the circuit court of Marengo county; to provide for the issuance of process on judgments, orders and proceedings entered, prior to the passage of this bill, in the circuit court of Marengo county and the return thereof, and for proceedings thereon, and the trial of garnishment and trial of the rights of property cases growing out of such judgments, orders, proceedings and process.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the Marengo law and equity court be and it is hereby authorized and empowered upon proper proceedings therein instituted, and in conformity with the law in such cases, to revive and enforce all judgments, orders and proceedings entered, prior to the passage of this bill, in the circuit court of Marengo county, in the same manner and to the same extent as if the same had been entered in the Marengo law and equity court originally.

Sec. 2. That the clerk of the Marengo law and equity court be and he is hereby authorized and empowered to issue, on all

judgments, orders and proceedings entered, prior to the passage of this bill, in the circuit court of Marengo county, such and all writs of execution and other writs and process as may be necessary to give full force and effect to all such judgments, orders or proceedings, the same as if they had been entered in the Marengo law and equity court originally, and all such writs of execution and other writs and process shall be returned, and all proceedings may be had thereon, and all garnishment and trial of the rights of property cases growing out of such judgments, orders, writs of execution or other writs or process, may be tried in the Marengo law and equity court in the same manner and to the same extent as if such judgments, orders or proceedings had been entered in the Marengo law and equity court originally.

Sec. 3. That this act shall go into effect immediately upon its passage and approval by the Governor.

Approved September 1, 1915.

No. 337.)

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AN ACT

(H. 1351—Vaughan.)

To relieve the treasurer of Montgomery county of any loss or liability by reason of the payment heretofore made of interest on county warrants, issued by the board of revenue of Montgomery county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the treasurer of Montgomery county be and he is hereby relieved of and from any and all loss or liability by reason of the payment made by him heretofore of interest on county warrants issued by the board of revenue of Montgomery county.

Approved September 1, 1915.

No. 340.)

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AN ACT

(S. 746—Winkler)

To change and extend the corporate limits of the town of Georgiana in the county of Butler and the State of Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the corporate limits of the town of Georgiana, in the county of Butler and State of Alabama, be and

the same are hereby extended and changed so that there shall be and is included in the corporate limits of the town of Georgiana all territory located and contained within the following boundaries, viz.: Beginning at a point three-quarters of a mile from and due south of the center of the lot upon which the present Louisville and Nashville passenger depot building is located, and running thence due east from said point of beginning three-quarter of a mile, thence due north one and one-half mile, thence due west one and one-half miles; thence due south one and one-half miles, thence due east three-quarters of a mile to the point of beginning.

Approved August 31, 1915.

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No. 341.)

(H. 1291—Roberson.

AN ACT

To repeal an act entitled "An act to incorporate the town of Sedden, in St. Clair county, and to establish a charter for the government thereof," approved Feb. 18th, 1891.

*Be it enacted by the Legislature of Alabama:*

Sec. 1. That an act entitled "An act to incorporate the town of Sedden, in St. Clair county, and to establish a charter for the government thereof," approved February 18, 1891, be and the same is hereby repealed.

Approved August 28, 1915.

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No. 343.)

(H. 1290—Roberson.

AN ACT

To abolish the corporation of the town of Coal City, in St. Clair county, Alabama.

*Be it enacted by the Legislature of the State of Alabama:*

That municipal corporation of the town of Coal City be and the same is hereby abolished, and held naught.

Sec. 2. Be it further enacted that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 1, 1915.



No. 344.)

(H. 1203—Andrews.

## AN ACT

For the relief of W. O. Brownsfield, clerk and register of the Lee county court of law and equity, from paying back to Lee county, fees collected by him as clerk and register of said court for ex-officio services.

*Be it enacted by the Legislature of Alabama:*

*Whereas*, by the third section of an act approved March 5, 1907, creating the Lee county court of law and equity, General Acts of 1907, page 263, the clerk and register of said court was authorized to collect from the county of Lee the sum of four hundred dollars per annum as an additional ex officio fee or compensation as such clerk and register; and,

*Whereas*, said Brownsfield did, by virtue of said section of said act, collect said additional fee or compensation, from the time he went into office as such clerk and register, in August, 1907, up to January, 1915, the amount being in the aggregate thirty-one hundred dollars; and,

*Whereas*, the attorney general, upon the request of the State examiner, construing said section of said act of 1907, in connection with an act of the Legislature, approved November 30, 1907, of General Acts, Special Session of 1907, page 201, has held the last of said acts repealed that part of said act of March 5, 1907, providing for said additional fee or compensation; and,

*Whereas*, the State examiner, upon an examination of the books of W. O. Brownsfield, clerk and register, reported that by a misinterpretation of the said third section of said act of March 5, 1907, said Brownsfield had collected said additional ex officio fees, and in his said report has charged the said W. O. Brownsfield to the said sum of thirty-one hundred dollars so collected; and,

*Whereas*, the said W. O. Brownsfield had no evil intention in collecting said additional fees, and did so after advising with the judge of the Lee county court of law and equity, he giving it as his opinion that the statute was in force and authorized the collection of said sum; and,

*Whereas*, the said W. O. Brownsfield is financially unable to pay back said sum of money, and as shown by the report of the examiner, the sum collected by him is commensurate with the work really performed by the said W. O. Brownsfield:

*Therefore, Be it enacted by the Legislature of Alabama:*

Section 1. That the said W. O. Brownsfield, clerk and register of the Lee county court of law and equity is hereby relieved

from paying back to Lee county the sum of thirty-one hundred dollars, collected by him as such clerk and register, as additional fees or compensation for ex officio services. And that the said W. O. Brownsfield is fully discharged from paying back such sum of money.

Approved September 1, 1915.

No. 345.)

(H. 1154—Roberson.

AN ACT

To provide for one jury box in St. Clair county, and to provide for the drawing and empaneling of all juries, and jurors for the northern and southern judicial divisions of said county, to be drawn from such jury box; and for the care and custody of said jury box.

*Be it enacted by the Legislature of Alabama:*

Section 1. That it shall be the duty of the jury commissioners of St. Clair county, Alabama, to prepare and make but one jury box in and for St. Clair county, in which said jury box the names of all persons in the county qualified to serve as jurors and not exempt by law to serve as such, shall be placed in such jury box, and in manner as now provided by law for supplying such jury box, and from which jury box all juries and jurors shall be drawn to serve as such in all the courts in the northern and southern judicial division of St. Clair county, in which juries and jurors are required to serve and to be drawn, summoned and empaneled in manner as now provided for by law for the drawing, summoning and empaneling jurors and juries in courts of record in the State of Alabama. That the said jury box shall immediately after the passage of this act be refilled or made anew by the jury commission of St. Clair county, and as often thereafter as may be necessary; or when ordered or directed to do so by a judge or one of the judges of the judicial circuit in which St. Clair county may form a part.

Sec. 2. That said jury box when so made and prepared shall be kept at the place, and by the person or officers as now required by law to keep the jury box in counties where courts of record are held at but one place in the county. Provided, however, that when such jury box shall be required or needed for use and to draw juries or jurors therefrom from any of the courts of the southern judicial division of said county; then it shall be safely kept in the office of the probate judge and by the probate judge in the court house at Pell City. That any court having jurors or in need of same shall have the right, and

authority to order direct and cause the sheriff of St. Clair county either in vacation or in term time to bring and have such jury box in court and before him in either of the judicial divisions of said St. Clair county.

Sec. 3. The true intent and meaning of this act being, that juries and jurors for each of the judicial divisions of St. Clair county, as now provided by law, shall be drawn from and taken from those persons in the county subject to jury duty under the law and not exempted therefrom, as is now done in counties where courts are held at but one place in the county, and where counties have but one jury box under the laws of this State.

Sec. 5. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved September 3, 1915.

No. 346.)

(H. 1353—Pruet.

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AN ACT

To abolish the office of treasurer of Clay county, Alabama, and providing for some bank in said county to act as treasurer of said county.

*Be it enacted by the Legislature of Alabama :*

Section 1. That the office of treasurer of Clay county, Alabama, be and the same is hereby abolished.

Sec. 2. Be it further enacted that the commissioners court of Clay county, Alabama, shall make arrangements with some bank in Clay county to act as treasurer of said county, without salary, which said bank shall be designated by said commissioners court as the treasurer of said county, and, shall make bond in the sum now required by law, which said bond shall be approved by the judge of probate of Clay county.

Sec. 3. Be it further enacted that it shall be the duty of said bank to perform all of the duties now required by law of the treasurer in said county, and, to keep the books, and to keep the money deposited in said bank, and that no salary shall be paid it for its services.

Sec. 4. Be it further enacted that it shall be the duty of said bank to pay out any and all moneys upon warrants issued by the probate judge of said county, as now provided by law, provided said bank shall not be held legally liable for the payment of any warrant issued by the judge of probate of said county, which is ascertained to be an illegal charge against the treasury of said county.

Sec. 5. Be it further enacted that the provisions of this act shall not take effect until the expiration of the term of the present incumbent.

Approved September 2, 1915.

No. 347.)

(H. 884—Espy.

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AN ACT

To abolish the office of county treasurer of Henry county, and to require the county funds to be deposited in some national or State bank in the county of Henry as the commissioners' court of said county may elect, and to provide for the custody of such funds and the payment of interest on same.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of county treasurer of Henry county is hereby abolished.

Sec. 2. That the treasurer of said county shall make a settlement with the commissioners court of said county, and the balance of money on hand, he shall pay over to the probate judge of said county for the credit of said county.

Sec. 3. That all the moneys heretofore required by law to be paid to the county treasurer of Henry county shall be paid to the probate judge of said county, and the said probate judge shall deposit the same in such national bank or State bank in the county of Henry, as the commissioners' court of said county may elect, to the credit of said county, and all settlements heretofore required by law to be made with said treasurer shall be made with the probate judge of said county, and the receipt of such bank so designated shall be sufficient voucher, and all sworn receipts heretofore required by law to be made by or to said treasurer shall be made to or by such probate judge.

Sec. 4. That the account of the funds of Henry county shall be open and kept in said bank in the name of Henry county, and the disbursements of same shall be made upon the order of the commissioners' court of said county, and said bank shall furnish said commissioners' court with a full and detailed statement of the receipts and disbursements of the county funds on the second Mondays in January, April, July and October in each and every year. The said commissioners' court shall place the funds of said county in such national bank or State bank in the county of Henry as may be selected by the court of county commissioners, on the first Monday in December of each year, and such court of county commissioners shall notify each and every national bank and State bank in the county of Henry

on the first Monday in November of each year. That said court of county commissioners will receive from each and every national bank and State bank in the county of Henry, sealed bids for the county funds to be opened and passed upon the first Monday in December, following; and the said bank of the said county shall be selected by the court of county commissioners as a depository of the funds of said county for one year from the date said bids are passed upon, as may offer the highest rate of interest to said county on the daily balance of the county's bank deposit, and the said court of county commissioners shall require an adequate bond of said bank to secure the safety of said deposit, and all moneys or funds belonging to said county, or in which the said county is interested, shall be deposited in said bank.

Sec. 5. That this act shall not take effect until after the expiration of the term of office of the present county treasurer.

Sec. 6. That any law, or parts of law, in conflict with the provisions of this act shall be, and the same is hereby repealed.

Approved September 2, 1915.

No. 348.)

(H. 856—Davie.

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AN ACT

To give the recorder or mayor of the town of West Blocton, Bibb county, Alabama, exclusive jurisdiction in all misdemeanors committed within said town or within the police jurisdiction thereof, and to abolish the jurisdiction of the justices of the peace in such territory.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the recorder or mayor of the town of West Blocton, Bibb county, Alabama, shall have original and concurrent jurisdiction with the county court of all misdemeanors committed within said town or within the police jurisdiction thereof, except violations of the prohibition laws, and laws in relation to selling, making, storing, ordering or transporting spirituous, vinous or malt liquors, and said misdemeanors shall be tried by the recorder or mayor of said town, but no fine or judgment of acquittal or conviction rendered by said recorder or mayor shall be a bar to the prosecution by the State in any case where the facts or offense charged constitute a felony under the laws of the State of Alabama. When a person has been tried and convicted of any offense which is a misdemeanor under the State laws, he shall be punished as provided by the State law for such offense.

Sec. 2. That from and after the approval of this act no justice of the peace in said county shall have jurisdiction to try any person upon any misdemeanor charge arising within the corporate limits of the town of West Blocton, Alabama, or within the police jurisdiction thereof.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 4, 1915.

No. 349.)

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AN ACT

(H. 207—Scott.

To alter and change the boundaries of the city of Birmingham, so as to exclude and eliminate all that territory embraced within the southwest quarter of section nineteen, and the northwest quarter and the north half of the southwest quarter of section thirty, all in township seventeen, range three, west of the Huntsville meridian.

*Be it enacted by the Legislature of Alabama:*

1. That the boundaries of the city of Birmingham be and they are hereby altered and changed as follows, to-wit: beginning where the northern boundary of Birmingham, as heretofore constituted, crosses the north and south center line of section 19, township 17, range 3, west; thence instead of west, as heretofore, said boundary to run south along the center line of section 19 and 30 to a junction with the western boundary, as heretofore constituted, at the northwest corner of the southwest quarter of the southeast quarter of section 30, township 17, range 3, west, of the Huntsville Meridian, so as to exclude the S. W.  $\frac{1}{4}$  of section 19, and the N. W.  $\frac{1}{4}$  and the N.  $\frac{1}{2}$  of the S. W.  $\frac{1}{4}$  of section 30, township 17, range 3, west.

2. That all that territory embraced within the S. W.  $\frac{1}{4}$  of section 19, and the N. W.  $\frac{1}{4}$  and the N.  $\frac{1}{2}$  of the S. W.  $\frac{1}{4}$  of section 30, in township 17, range 3, west, be and is hereby excluded and eliminated from the city of Birmingham.

Approved September 1, 1915.

No. 350.)

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AN ACT

(H. 1014—Walden.

To establish in precinct 19 in Morgan county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the inferior court of New Decatur, to define the jurisdiction and powers of said court and the judge thereof.

*Be it enacted by the Legislature of Alabama :*

Section One. That there is hereby established in and for precinct 19, a precinct lying partly within the city of New Decatur, a city having more than fifteen hundred inhabitants, in Morgan county, Alabama, an inferior court of law in lieu of all justices of the peace and notaries public with the powers of justices of the peace in said precinct, which court shall be known as the inferior court of New Decatur.

Sec. Two. Said court and the judge thereof shall have and exercise all the jurisdiction, power and authority, and shall perform all the duties that are now or may hereafter be conferred by law on justices of the peace in civil and criminal cases, and such preliminary jurisdiction as is now or may hereafter be conferred by law on justices of the peace.

Sec. Three. In addition to the jurisdiction above conferred, said court and the judge thereof shall have and exercise jurisdiction of justices of the peace in all civil cases where the defendant resides in Morgan county, and where the cause of action arose in Morgan county.

Sec. Four. Said court shall conform to and be governed by the rules of practice and procedure that are now or may hereafter be made applicable to justices of the peace of this State.

Sec. Five. There shall be one judge for said court, who shall be elected at the next general election in 1916, whose term of office shall be until the general election in 1920, and until his successor is elected and qualified; and at such general election in 1920 and every four years thereafter a judge of said inferior court of New Decatur shall be elected by the qualified voters residing within said precinct, whose term of office shall be four years. The judge of said court before entering upon the discharge of the duties of his office, must take the oath of office required by law to be taken by justices of the peace of this state and enter into bond with sureties in the sum of one thousand dollars conditioned as in case of justices of the peace which oath and bond must be filed and recorded in the office of the judge of probate of Morgan county.

Sec. Six. That the probate judge of Morgan county is required to call an election as required by law within said precinct at the next general election in 1916 after the approval of this act, said election to be advertised and held as is now provided by law, said election being for the purpose of electing a judge for said court by the qualified voters residing within said precinct and the expense of said election to be paid out of the county treasury.

Sec. Seven. Said judge shall have and exercise the same powers that are now by law conferred on justices of the peace or may hereafter be conferred on them; he shall have the right to solemnize the rites of matrimony, administer affidavits or oaths, take acknowledgments of deeds and mortgages, and take recognizances.

Sec. Eight. The judge of said court shall at the time of his election be at least twenty-five years of age and shall have resided in said precinct at least twelve months preceding his election. Vacancies in the office of said judge shall be filled by appointment by the governor whose term of office shall be until his successor is elected and qualified at the next general election thereafter.

Sec. Nine. Appeals may be taken from said court in like manner as appeals are now taken from the justice courts to the circuit courts of this State, to the law and equity court of Morgan county or other court having like jurisdiction and there tried, *de novo*.

Sec. Ten. Said judge must keep civil and criminal dockets of all cases in said court as now provided by law for justices of the peace, provided said dockets shall also show an itemized statement of all costs, fees and fines due and collected, and said judge shall make a complete statement of all costs, fees, fines and forfeitures due and collected and quarterly report the same to the probate judge of Morgan county. Said judge shall sign and issue all summons and complaints, writs, executions and other process, make out transcripts and perform all other duties that may be necessary to maintain the jurisdiction and authority of the said inferior court.

Sec. Eleven. And it shall be the duty of the judge of said court to provide a suitable court room in which to hold said court, together with dockets, books, and papers necessary for the use of said court. The cost of the room, dockets and necessary papers to be made a charge against the inferior court fund, and shall be paid by the county treasurer on a warrant drawn by the judge of such court out of the funds of the inferior court of Decatur.

Sec. Twelve. The fees and costs of said court shall be the same as are now allowed by law to the justices court of this State and shall be collected by the judge of said court. All of the cost, fees, funds and forfeitures collected by him shall be paid into the treasury of Morgan county once in each month. The money paid into the treasury of Morgan county by the judge of said court must be kept in a fund known as "the infe-



rior court fund" and must be kept separate and apart from the other funds of said county.

Sec. Thirteen. The judgments and decrees of this court may be registered and shall be a lien on the property of defendant as provided in article 9 of the Civil Code, sections 4156-7-8-9.

Sec. Fourteen. The judge of said court shall receive a salary of \$1,200.00 per annum, payable monthly upon the warrant drawn on the county treasurer of Morgan county by the judge of said court. Said warrant to be payable out of the "inferior court funds" and shall not be a claim against any other funds of the county. Provided, however, that if at the end of any month there is not sufficient funds in said "inferior court funds" to pay all the claims chargeable against said funds, that said funds shall be prorated among the claims then outstanding against such funds.

Sec. Fifteen. It shall be the duty of the grand jury of said county whenever they deem it necessary to make an examination of all the books and papers of said judge, and they shall have authority to summons such witnesses before them and examine the same as may be necessary to make a thorough examination of the books and papers of the judge of said court and report the condition of their findings to the judge of competent jurisdiction of said county.

Sec. Sixteen. The judge of said court may be impeached or removed from office in the same manner and under the same procedure as justices of the peace of this State are now removed or impeached, or hereafter may be provided for his removal or impeachment.

Sec. Seventeen. In the absence or disability of the judge of said court, the probate judge of said county shall appoint a judge of said court to serve until the return of said judge or during his disability, who shall be paid the sum of three and one-half dollars per day as the judge of said court is now paid out of the county treasury and said amount deducted from the salary of the judge.

Sec. Eighteen. The offices of the justice of the peace and notaries public exercising jurisdiction of justice of the peace in said precinct one, are hereby abolished, to take effect on the 1st Tuesday after the second Monday in January, 1917, and immediately thereafter, all of the justices of the peace and notaries and ex-officio justices of the peace in said precinct shall deliver their dockets, official papers and records of all kinds of their respective offices to the judge of the inferior court of Decatur;

and all causes pending in said courts shall be by such delivery transferred to the court hereby established; and execution and other appropriate process for the collection and enforcement of the judgments of said court may be issued by the court hereby established, including execution for cost for any cause, accrued before said transfer. The judge of the court hereby established shall pay said costs when collected, to the person hereby entitled to the same.

Sec. Nineteen. The constable of precinct 19, the sheriff and coroner of Morgan county, shall be the officers of said court and they are authorized and it is hereby made their duty to execute and make due return thereof of all processes issued out of said court, and they shall be entitled to receive the same fees and compensation as now or as hereafter may be allowed for like services.

Sec. Twenty. The commissioners court of said county are hereby required to transfer any money in the county treasury to the credit of the inferior court funds into the general fund of the county at the end of each term of the judge of said inferior court.

Sec. Twenty-One. The solicitor of the Morgan county law and equity court shall attend said court and prosecute, and there shall be taxed in the cause a solicitor's fee when a conviction is had in the amount provided by law, and the said solicitor's fee shall be taxed and collected in the same manner as said fees are taxed and collected in the Morgan county law and equity court and said fees shall be paid to such solicitor for his services for attending upon said court.

Sec. Twenty-Two. It shall be the duty of the judge of said court to have regular days for the trial of criminal cases, which days shall be at a time suitable to the solicitor of the Morgan county law and equity court.

Sec. Twenty-Three. It shall be unlawful for the judge of said court to practice law in any of the courts in the county or to accept pay or a commission for the collection of any notes or accounts or any other claims against delinquent debtors.

Sec. Twenty-Four. Any judge of said court thereof who fails to comply with the provisions of sections Nos. 10 and 12 and 23 of this act shall be guilty of a misdemeanor and on conviction be fined not more than five hundred dollars.

Sec. Twenty-Five. The judge of said court shall be liable to the same fines and penalties as justices of the peace are subject to, for a failure to perform the duties required of justices of the peace.

Sec. Twenty-six. That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved September 2, 1915.

No. 351.)

(H. 1015—Walden.

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AN ACT

To establish in precinct one in Morgan county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the inferior court of Decatur, to define the jurisdiction and powers of said court and the judge thereof.

*Be it enacted by the Legislature of Alabama :*

Section One. That there is hereby established in and for precinct one, a precinct lying partly within the city of Decatur, a city having more than fifteen hundred inhabitants, in Morgan county, Alabama, an inferior court of law in lieu of all justices of the peace and notaries public with the powers of justices of the peace in said precinct, which court shall be known as the inferior court of Decatur.

Sec. Two. Said court and the judge thereof shall have and exercise all the jurisdiction, power and authority, and shall perform all the duties that are now or may hereafter be conferred by law on justices of the peace in civil and criminal cases, and such preliminary jurisdiction as is now or may hereafter be conferred by law on justices of the peace.

Sec. Three. In addition to the jurisdiction above conferred, said court and the judge thereof shall have and exercise jurisdiction of justices of the peace in all civil cases where the defendant resides in Morgan county, and where the cause of action arose in Morgan county.

Sec. Four. Said court shall conform to and be governed by the rules of practice and procedure that are now or may hereafter be made applicable to justices of the peace of this State.

Sec. Five. There shall be one judge for said court, who shall be elected at the next general election in 1916, whose term of office shall be until the general election 1920, and until his successor is elected and qualified; and at such general election in 1920 and every four years thereafter a judge of said inferior court of Decatur shall be elected by the qualified voters residing within said precinct, whose term of office shall be four

years. The judge of said court before entering upon the discharge of the duties of his office, must take the oath of office required by law to be taken by justices of the peace of this State and enter into bond with sureties in the sum of one thousand dollars conditioned as in case of justices of the peace which oath and bond must be filed and recorded in the office of the judge of probate in Morgan county.

Sec. Six. That the probate judge in Morgan county is required to call an election as required by law within said precinct at the next general election in 1916 after the approval of this act, said election to be advertised and held as is now provided by law, said election being for the purpose of electing a judge for said court by the qualified voters residing within said precinct and the expense of said election to be paid out of the county treasury.

Sec. Seven. Said judge shall have and exercise the same powers that are now by law conferred on justices of the peace or may hereafter be conferred on them; he shall have the right to solemnize the rites of matrimony, administer affidavits or oaths, take acknowledgments of deeds and mortgages, and take recognizances.

Sec. Eight. The judge of said court shall at the time of his election be at least twenty-five years of age and shall have resided in said precinct at least twelve months preceding his election. Vacancies in the office of said judge shall be filled by appointment by the Governor whose term of office shall be until his successor is elected and qualified at the next general election thereafter.

Sec. Nine. Appeals may be taken from said court in like manner as appeals are now taken from the justice courts to the circuit courts of this State, to the law and equity court of Morgan county or other court having like jurisdiction and there tried, *de novo*.

Sec. Ten. Said judge must keep civil and criminal dockets of all cases in said court as now provided by law for justices of the peace, provided said dockets shall also show an itemized statement of all costs, fees and fines due and collected, and said judge shall make a complete statement of all costs, fees, fines and forfeitures due and collected and quarterly report the same to the probate judge of Morgan county. Said judge shall sign and issue all summons and complaints, writs, executions and other process, make out transcripts and perform all other duties that may be necessary to maintain the jurisdiction and authority of said inferior court.

Sec. Eleven. And it shall be the duty of the judge of said court to provide a suitable court room in which to hold said court, together with dockets, books, and papers necessary for the use of said court. The cost of the room, dockets and necessary papers to be made a charge against the inferior court fund; and shall be paid by the county treasurer on a warrant drawn by the judge of such court out of the funds of the inferior court of Decatur.

Sec. Twelve. The fees and costs of said court shall be the same as are now allowed by law to the justices court of this State and shall be collected by the judge of said court. All of the cost, fees, fines and forfeitures collected by him shall be paid into the treasury of Morgan county once in each month. The money paid into the treasury of Morgan county by the judge of said court must be kept in a fund known as "The inferior court fund" and must be kept separate and apart from the other funds of said county.

Sec. Thirteen. The judgments and decrees of this court may be registered and shall be a lien on the property of defendant as provided in article 9 of the Civil Code, sections 4156-7-8-9.

Sec. Fourteen. The judge of said court shall receive a salary of \$1,200.00 per annum, payable monthly upon the warrant drawn on the county treasurer of Morgan county by the judge of said court. Said warrant to be payable out of the "inferior court funds" and shall not be a claim against any other funds of the county. Provided, however, that if at the end of any month there is not sufficient funds in said "inferior court funds" to pay all the claims chargeable against said funds, that said funds shall be prorated among the claims then outstanding against such funds.

Sec. Fifteen. It shall be the duty of the grand jury of said county, whenever they deem it necessary, to make an examination of all the books and papers of said judge, and they shall have authority to summons such witnesses before them and examine the same as may be necessary to make a thorough examination of the books and papers of the judge of said court and report the condition of their findings to the judge of a competent jurisdiction of said county.

Sec. Sixteen. The judge of said court may be impeached or removed from office in the same manner and under the same procedure as justices of the peace of this State are now removed or impeached, or hereafter may be provided for his removal or impeachment.

Sec. Seventeen. In the absence or disability of the judge of said court, the probate judge of said county shall appoint a

judge of said court to serve until the return of said judge or during his disability, who shall be paid the sum of three and one-half dollars per day as the judge of said court is now paid out of the county treasury and said amount deducted from the salary of the judge.

Sec. Eighteen. The offices of the justice of the peace and notaries public exercising jurisdiction of justices of the peace in said precinct one, are hereby abolished, to take effect on the first Tuesday after the second Monday in January, 1917, and immediately thereafter, all of the justices of the peace and notaries and ex-officio justices of the peace in said precinct shall deliver their dockets, official papers and records of all kinds of their respective offices to the judge of the inferior court of Decatur; and all causes pending in said courts shall be by such delivery transferred to the court hereby established; and execution and other appropriate process for the collection and enforcement of the judgments of said court may be issued by the court hereby established, including execution for cost for any cause, accrued before said transfer. The judge of the court hereby established shall pay said costs when collected, to the person hereby entitled to the same.

Sec. Nineteen. The constable of precinct one, the sheriff and coroner of Morgan county, shall be the officers of said court and they are authorized and it is hereby made their duty to execute and make due return thereof of all processes issued out of said court, and they shall be entitled to receive the same fees and compensation as now, or as hereafter may be allowed for like services.

Sec. Twenty. The commissioners court of said county are hereby required to transfer any money in the county treasury to the credit of the inferior court funds into the general fund of the county after the end of each term of the judge of said inferior court.

Sec. Twenty-One. The solicitor of the Morgan county law and equity court shall attend said court and prosecute, and there shall be taxed in the cause a solicitor's fee when a conviction is had in the amount provided by law, and the said solicitor's fee shall be taxed and collected in the same manner as said fees are taxed and collected in the Morgan county law and equity court and said fees shall be paid to such solicitor for his services for attending upon said court.

Sec. Twenty-Two. It shall be the duty of the judge of said court to have regular days for the trial of criminal cases.

Sec. Twenty-three. It shall be unlawful for the judge of said court to practice law in any of the courts in the county or to accept pay or a commission for the collection of any notes or accounts or any other claims against delinquent debtors.

Sec. Twenty-Four. Any judge of said court thereof who fails to comply with the provisions of sections Nos. 10 and 12 and 23 of this act shall be guilty of a misdemeanor and on conviction be fined not more than five hundred dollars.

Sec. Twenty-Five. The judge of said court shall be liable to the same fines and penalties as justices of the peace are subject to, for a failure to perform the duties required of justices of the peace.

Sec. Twenty-six. That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved September 2, 1915.

No. 124.)

(H. 331—Shapiro.

#### AN ACT

To establish an inferior court in precincts 21, 37, 10, 34, 42, and 46, in Jefferson county, Alabama, and in all other precincts lying within, or partly within, the city of Birmingham, Alabama, except precincts 45, 52 and 29 in lieu of all justices of the peace in said precincts and in lieu of all notaries public with powers of justices of the peace, and in lieu of all other inferior courts created in lieu of justices of the peace heretofore created in said territory, to define the jurisdiction and powers of said court, the judge, clerks, and other officers thereof; to define the jurisdiction thereof, provide for a place of holding said court, terms and salaries of said judge and officers of said court, the manner of their appointment and election, and the payment of their salaries.

*Be it enacted by the Legislature of Alabama:*

Section 1. There is hereby established an Inferior Court in Precincts 21, 37, 10, 34, 42 and 46 in Jefferson County, Alabama and in all other precincts lying within or partly within the City of Birmingham, Alabama, except precincts 45, 52 and 29 which shall be known and designated as the Municipal Court of Birmingham, Alabama, and which shall be in lieu of all justices of the peace, within said precincts and notaries public ex-officio justices of the peace, within said precincts, and all inferior courts heretofore created in lieu of justices of the peace and notaries public ex-officio justices of the peace, which said court shall have all the powers and jurisdiction now conferred or that may hereafter be conferred, both civil and criminal, upon justices of the peace or on said court and judges of

said court shall have, and exercise all the power and authority, and shall perform all the duties now prescribed by law, or that may hereafter be prescribed by law for a justice of the peace in said precincts.

Sec. 2. There shall be three divisions of said court to be known respectively as first, second and third divisions and there shall be a judge for each division. Each of said judges shall be a resident of the City of Birmingham, Alabama, learned in the law, and shall reside within the City of Birmingham, or within said precincts during the term of his office. The term of said judges shall be for four years and until their successors shall have been elected or appointed, and qualified. The first term of said judges shall end January 1st, 1919. The present judge of the First Division of the Birmingham Court of Common Pleas shall be the judge of the First Division of this Court until the expiration of the term for which he was appointed judge of the Birmingham Court of Common Pleas, and the judge of the Second Division of the Birmingham Court of Common Pleas, shall become the judge of the Second Division in this court, and shall hold the office until the expiration of the time for which he was appointed or elected judge of the Second Division of the Birmingham Court of Common Pleas. The first judge of the Third Division of this court shall be appointed by the Governor and shall hold office for a term of four (4) years. The judge of the Third Division of this court and the judges of the First and Second Divisions of this court, after the expiration of the term of the present judges of the Birmingham Court of Common Pleas, shall be appointed by the judges of the courts of record of Jefferson County, Alabama, not including the City Court of Bessemer. Said appointment to be made by a majority in number of said judges of said courts of record. That for the purpose of making such appointments the Judge of the Probate Court of Jefferson County, Alabama, or in his absence or disability, the judge of the City Court of Birmingham, senior in service, shall call a meeting of all of said judges at a place to be designated by him, giving at least one day's notice of the time and place of said meeting, at which said meeting, the judge calling said meeting, shall preside and shall designate some clerk of one of said courts of record of Jefferson County, as Secretary of said meeting, and the person receiving the vote of a majority of said judges so attending said meeting, shall be declared elected and the judge presiding shall certify the same in writing and the same shall be recorded in the office of the Judge of Probate of Jefferson County, Alabama. A ma-



jority of the judges of the said Courts of Record of said county, other than the said City Court of Bessemer, shall constitute a quorum for the purpose of holding said election. All vacancies in the office of judge of said court, or any division thereof, shall be filled by appointment by the judges of the courts of record of Jefferson County, Alabama, not including the judge of the City Court of Bessemer, as herein above provided. That the judge of the Third Division of this court shall hold court at least one time each week, and such other times as may be necessary to dispatch the business of the court in that part of the City of Birmingham known as Woodlawn, and in that part of the City of Birmingham known as North Birmingham, and in that part of the City of Birmingham known as West End, and it shall be the duty of the Board of Revenue of Jefferson County, Alabama, to provide suitable places for holding said court at said several places and it shall be the duty of the clerk of the said Third Division to be present at the said courts at the time of the holding of the same by the judge, and at such other times as the judge may deem necessary for the proper dispatch of the business of said court, but any other judge of said court may hold court in either of said places in lieu of said judge of the third division.

Sec. 3. That each of the judges of said court shall receive an annual salary of Twenty Four (\$2400) hundred dollars payable in equal monthly installments of Two (\$200) hundred dollars each, out of the county treasury of Jefferson County, upon warrants drawn by the respective judges upon the County Treasurer.

Sec. 4. That each of the judges of the said court shall appoint a clerk who shall give bond in the penal sum of Two thousand (\$2000) dollars, payable to the State of Alabama, and conditioned to faithfully discharge the duties of such office, which bond shall be approved by and filed in the office of the Judge of Probate of Jefferson County, Alabama, and which bond shall also be conditioned to pay over all moneys to the proper officers and persons to whom it is payable and to faithfully account for all the moneys coming into his hands by virtue of his office and upon the said bond, there shall be the same liabilities and remedies as upon a bond of a clerk of the Circuit Court. Said Clerks shall be known respectively as the clerk of the first division, clerk of the second division, and clerk of the third division, and each of said clerks shall receive a salary of twelve hundred (\$1,200) dollars annually, payable in equal monthly installments out of the county treasury of Jefferson

County, upon their warrant drawn upon the Treasurer of said county.

Sec. 5. The judges shall be known, respectively, as the Judge of the First Division, the Judge of the Second Division, and the Judge of the Third Division, and each shall be learned in the law, and each of said judges shall have and exercise all the power and authority and perform all the duties of the court as to any matter pending in his division or which is acted on or tried by him.

Sec. 6. The Court a majority of the judges constituting the action of the court, shall make any and all necessary rules for the filing and trying of causes and for the distribution of the work of the court, and they shall, as far as possible, designate one division for the trial of criminal cases, and designate one of their number to preside over said division trying criminal cases.

Sec. 7. That the clerk of each division shall issue all processes out of said court returnable to his division, except warrants of arrest and writs of commitment, which shall be issued by one of the judges of said court; the clerk shall approve all bonds in civil cases and shall keep a docket of his division of said court, and shall certify all appeals and certioraris; and all judgments, when required to be signed, shall be signed by one of the judges. The fees and costs that are now allowed by law to justices of peace in Jefferson County, or which may hereafter be allowed by law to justices of peace in said county, shall be taxed and collected as now provided by law in such cases, or as may hereafter be provided by law in such cases, and shall, by the clerk of each division, be paid into the county treasury, and no clerk or judge of said court shall receive any fees or compensation other than his said salary; but all fees shall be paid into the County Treasury.

Sec. 8. The constables of precincts 21 and 37, 10, 34 and 46 of Jefferson County and the Sheriff of Jefferson County shall be ex-officio officers of said court and shall execute all processes from said court and make return thereof and shall receive the same compensation as is now provided by law for like service in the courts of Common Pleas of Birmingham, Alabama, which fee shall be paid to said constable and sheriff, and each constable shall have the right to demand any process issuing out of said court to be served in the precinct for which he was elected, provided that nothing in this Act shall prevent the said court from appointing and authorizing a special officer to act in case of emergency.

Sec. 9. The judge of each division may punish for contempt in cases where the judges of the circuit court can punish for contempt, by a fine not exceeding fifty dollars and by imprisonment not exceeding five days.

Sec. 10. Each of said judges shall be conservators of the peace and shall have power to sit as committing magistrates in cases as now provided by law for justices of peace in said county, or may hereafter be provided by law for justices of the peace in said county.

Sec. 11. Each of said judges may take affidavits and issue warrants in felony cases returnable before themselves or other magistrates having jurisdiction, and may take affidavits and issue warrants for misdemeanors directly returnable to themselves when they shall have final jurisdiction of the offense, or in cases where they do not have final jurisdiction, to any court having final jurisdiction thereof. But in addition each of said judges may take affidavits and issue warrants for misdemeanors directly returnable to any other court having final jurisdiction thereof, although this court also has final jurisdiction of said misdemeanors. For their services in taking affidavits and issuing warrants the said judges are entitled to the compensation now provided by law to justices of the peace, or which may hereafter be provided, which shall be taxed and collected as such costs are now taxed and collected in criminal cases, and when said costs shall have been collected they shall be paid into the county treasurer by the clerk who shall collect and receive said costs.

Sec. 12. That the said court shall have jurisdiction concurrent with all other courts now having jurisdiction thereof of all misdemeanors that are now made by law triable before a justice of the peace, or that may hereafter be made triable by law by a justice of the peace and in addition shall have jurisdiction concurrent with all other courts of the offense of abusive language in the presence of females.

Sec. 13. Each calendar month shall constitute a term of said court, except that in civil cases after five days from the rendition of a judgment in any cause the said judgment shall be beyond the jurisdiction and out of the power of the court the same as if the term of the court ended on said fifth day after the rendition of said judgment.

Sec. 14. The court shall be opened at the discretion of any judge any day during the week (except Sunday) for the trial of offenses committed within his jurisdiction, but no person

shall be tried on the same day or the next day after his arrest, over his objection.

Sec. 15. In all proceedings in said court the rules of law and procedure shall, in so far as applicable, be the same as those in justices of the peace in Jefferson County, Alabama.

Sec. 17. In the trial of criminal causes before this court the judge shall determine both the law and the facts when no jury is demanded, and shall award the punishment the character of the offense demands, and no statement of the offense need be made other than that contained in the affidavit for warrant of arrest.

Sec. 18. The judgment in case of conviction in criminal causes may be in the following form: The State against C. D. (here state the offense as described in the affidavit) on hearing the evidence the court is satisfied of the guilt of the defendant and awards the following punishment (here state the punishment) and the costs of the proceeding: ..... Judge of the Municipal Court of Birmingham. If the defendant is acquitted the judgment must be that the defendant is discharged.

Sec. 19. Right of appeal from judgments in said court shall be the same in both civil and criminal cases as is now provided for appeals in such cases from such judgments of justices of the peace in Jefferson County.

Sec. 20. In all cases, civil and criminal, the law relating to appeals and certioraris in all cases from courts of justices of the peace shall apply to appeals and certioraris from this court.

Sec. 21. This court shall have against all justices of the peace, notaries public, ex-officio justices of the peace and all other inferior courts in lieu of the justice of the peace, in said county, except those in precincts 45, 52 and 29, the exclusive jurisdiction of all civil cases defined as to amount and kind in Section 22 of this Act, whether the defendant or defendants, reside in precincts 21, 37, 10, 34, 42, and 46 or in other precincts lying within, or partly within, the City of Birmingham, except said precincts 45, 52 and 29, except where the cause of action arose in, or the contract sued on, was made in the precinct of the residence of the justice of the peace, attempting to exercise jurisdiction, or where one or more of the co-defendants reside in the precinct of such justice. Any plaintiff, his agent or attorney, who institutes the suit against a defendant, who resides in precincts 21, 37, 10, 34, 42 and 46, or in any other precinct lying within, or partly within, the City of Bir-

mingham, other than precincts 45, 52 and 29, before any justice of the peace, notary public, ex-officio justice of the peace or inferior court created in lieu of justice of the peace, other than this court, or a precinct other than that in which the cause of action arose or the contract sued on was made, or at which the defendant is a resident, may be restrained by the judge of this court from prosecuting said suits and the judge of this court may issue a rule to his plaintiff, his agent or attorney, to show cause why a suit, garnishment or other process alleged to have been brought in violation of this Section shall not be dismissed, and may upon a hearing of this rule, order plaintiff, his agent or attorney, to dismiss said suit, garnishment or other process if wrongfully instituted, and punish for contempt the disobedience of said order, or orders. The plaintiff, his agent or attorney, shall have the right to appeal to the circuit court of said county, from said order within five days from the rendition of the same upon executing a bond in a sum to be fixed by the judge of this court, not in excess of Two hundred (\$200) dollars, payable to the defendant and conditioned to pay the defendant all such damages and costs as he may suffer by reason of the wrongful taking of such appeal. The court shall have authority on its own motion to require any known non-resident plaintiff in any civil suit to give security for costs before the service of any summons in such case.

Sec. 22. On the trial of criminal cases this court shall be governed by the rules as to evidence, practice, procedure and punishment as is provided for the county courts of the respective counties, so far as the same are applicable; and all of the provisions of the statutes and laws provided for the trial and procedure of criminal cases in the county courts, shall govern and apply so far as applicable to this court.

Sec. 23. In civil causes the law relating to appeal and certiorari of causes from courts of justices of the peace shall apply to appeal and certiorari from this court.

Sec. 25. Said court shall have jurisdiction in civil cases where the amount involved does not exceed one hundred dollars, except in cases of libel, slander, assault and battery, and ejectment.

Sec. 26. That the owner of any judgment or decree for fifty dollars, or over, rendered by this court, may file the same in the office of the judge of probate under the same procedure and in the same manner as now provided or which may here-

after be provided for filing judgments of courts of record, which judgments, when so filed and registered, shall be a lien upon all the property of the defendant when registered, which is subject to levy and sale under execution; and such lien shall continue for six years from the date of the registration, the registration of the judgment or decree shall be notice to all persons of the existence of a lien.

Sec. 27. This court shall have the power to set aside, vacate or modify its judgments in civil cases upon motion made within five days after the rendition of same, which said motion must be promptly determined; and this court may open for business and render default or other judgments at any time after nine o'clock of each day, and all processes of the court where no time is otherwise fixed shall be returnable at nine thirty A. M. of the return day.

Sec. 28. The Board of Revenue of Jefferson County, Alabama, at the expense of Jefferson County, shall provide suitable court rooms to hold said courts and shall also provide all necessary dockets, books and other supplies for the use of said court, and shall provide for the payment of rent for court rooms, in case court rooms are rented, and for any other incidental expenses.

Sec. 29. If any one of the judges of the said court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said court, it shall be the duty of the remaining judges of this court to appoint some practicing attorney, resident of the City of Birmingham, as special judge, who shall perform all of the duties of the judge of said court, during the illness, disqualification, or inability of said judge, which said special judge shall receive the same compensation as the regular judge of said court.

Sec. 30. In cases of emergency either judge of said court may appoint a suitable person to act as constable without bond, except as hereinafter provided; and the person appointed must perform the same duties and is liable to the same pains and penalties and is entitled to the same fee and compensation, as regular constables; but such special constable is not authorized to levy or collect executions, attachments or writs of detinue, unless prior to the levying or collecting of executions, attachments or writs of detinue, he execute a bond in the sum of twice the amount of the property to be levied on payable to the defendant as required by Section 30 of the Code of Alabama, 1907, with sureties to be approved by the judge appointing such special constable.

Sec. 31. The summons must be issued by the clerk of the court, and accompanied by the complaint of the plaintiff, or the cause of action endorsed on the summons setting forth the cause of action. The summons must be executed by the constable, special constable, sheriff or other officer by leaving a copy of the summons and complaint, or summons with the cause of action endorsed thereon, with the defendant, which fact he must return with the process.

Sec. 32. And it shall be the duty of the clerk of each division to issue an execution on all judgments rendered in said court, after five days from the entry thereof, and place the same in the hands of a constable or sheriff of said county who shall return such execution within thirty days thereafter, said return to show that he has collected said judgment, and had paid the same or the amount collected or is unable to find property of the person against whom said process issued, out of which said execution can be satisfied in whole or in part.

Sec. 33. That if it shall appear to the auditor that in any cases in said court where an execution has been returned unsatisfied, as to the costs of said cause, and in the opinion of the auditor said costs can be collected by an alias execution, the auditor may direct the clerk, of the division having a clerk, or the judge of a division having no clerk to issue such alias execution, and may direct the constable or sheriff as to what property can be levied upon to satisfy said judgment.

Sec. 34. That in each civil cause filed in said court there shall be a fee of fifty cents taxed which shall be taxed and collected as other costs are collected, and shall be with other costs paid into the county treasury.

Sec. 35. That any judge of any division of said court may sit as judge of any other division, when required to do so by the judge of said division.

Sec. 36. That all laws affecting or regulating the practice or procedure of courts of justices of peace shall be applicable to this court in the trial of its civil causes.

Sec. 37. That all causes pending in the Birmingham Court of Common Pleas, first and second divisions, together with all documents, papers and judgments of said court shall be transferred to this court as if they had been begun therein; and all judgments heretofore rendered by the said Birmingham Court of Common Pleas shall be the same as if they had been returned by this court and this court shall have the same power and control over the same and may issue executions or other pro-

cesses thereon the same as if the judgment had been originally rendered in this court.

Sec. 38. Upon the request of a majority of the judges of said court made in writing, it shall be the duty of the City Commission of Birmingham, Alabama, or of the governing body of that municipality, to designate two policemen or city detectives to act under the orders or directions of said court in criminal matters within the jurisdiction of said court.

Sec. 39. In all bonds in criminal cases returnable to the said court where forfeitures have been taken, for failure of the defendants to appear, the said court shall have the authority to issue and shall *sci fa* to the bondsmen which shall be returnable in not less than ninety days from the date of issuance and upon final hearing the said court or any judge thereof shall have the authority to pass upon said forfeiture, or make the same final, or take such other action as the criminal court of said county may be authorized to take in case of appearance bonds returnable to such criminal court.

Sec. 40. Upon a conviction of any defendant in misdemeanor cases in said court, the court shall have the right to suspend the sentence whenever in the discretion of said court the same may be advisable.

Sec. 41. That all laws, general, special or local in conflict with this act be and the same are hereby repealed, and an act entitled an act to establish an Inferior Court in precincts 21, 37 lying within or partly within, the City of Birmingham, Alabama, in lieu of all justices of peace in said precincts, etc., approved April 20, 1911, and published in the Local Acts of Alabama, session 1911, page 371, et seq., and the act entitled an act to establish an Inferior Court in precincts 10, 34 and 46 in Jefferson County, Alabama, in lieu of all justices of the peace in said precincts, and define the jurisdiction of said court and judge thereof, approved March 22nd, 1911, and published in the Local Acts of Alabama, session 1911, page 145 et seq., be and the same are hereby repealed. That duties of the office of all justices of peace, notaries public ex-officio justices of peace in precincts 21, 37, 10, 34 and 46 and in all other precincts lying within or partly within, the City of Birmingham, Alabama, except precinct 45, 52 and 29 is hereby abolished. But should any section or part of this act be held invalid or unconstitutional, it shall not affect any other part of this act. This act shall go into effect immediately upon its approval.

Approved July 12, 1915.



No. 146.)

(H. 476—Morris.

## AN ACT

To repeal an act entitled "An act, to amend section 3 of an act approved August 9, 1907," to establish a high school for Dale county to be located at Ozark, Alabama, approved April 18th, 1911.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an Act entitled An Act to amend Section 3 of an Act approved August 9, 1907, to establish a high school for Dale County, to be located at Ozark, Alabama, approved April 18th, 1911, be and the same is hereby repealed.

Approved June 30th, 1915.

No. 172.)

(H. 140—Welch.

## AN ACT

To amend an act approved February 28th, 1901, and an act approved March 2nd, 1907, as an amendment to an act, entitled an act to establish the city court of Bessemer, approved February 28th, 1901.

*Be it enacted by the Legislature of Alabama:*

Section 1. That Section 1 of an Act, approved March 2nd, 1907 as an amendment to Section three of an Act entitled an Act to establish the City Court of Bessemer, approved February 28th, 1901, be and the same is hereby amended to read as follows: The present Judge of the City Court of Bessemer shall continue in office until the next General Election of Circuit Judges in this State in the year 1916, and until his successor is elected and qualified, unless he sooner be removed, resign or dies. That at such General Election, and every six years thereafter a Judge of said City Court of Bessemer shall be elected by the qualified voters residing within that part of Jefferson County over which said Court has jurisdiction, whose term of office shall be six years from date of such election; and until his successor is elected and qualified. The Judge of said City Court of Bessemer shall, before entering upon the discharge of the duties of his office, take the oath of office required by law to be taken by Judges of the Circuit Court. And the Judge of the City Court of Bessemer now in office may be impeached or removed from office in the same manner and for the same causes as Judges of the Circuit Court. And the Judge shall have, and exercise, the same jurisdiction and powers, within the territory which on the First Day of October 1903

was embraced in the precincts enumerated in Section One of an Act entitled an act to amend an Act to establish a City Court of Bessemer, approved February 28th, 1901, which amendment was approved October 1903, as Judges of the Circuit Court and Chancellors now, or may hereafter, have, and exercise, including the power to issue writs of injunction, prohibition, ne exeat, mandamus and all other remedial writs; but such power shall be confined to cases arising within said territory which on the First Day of October, 1903, was embraced within the precincts enumerated in Section One of said Act, entitled an Act to amend an Act to establish the City Court of Bessemer, approved February 28th, 1901, which amended Act was approved October 1st, 1903.

Sec. Two. That Section Two of an Act, approved March 2nd, 1907, as an amendment to Section Four of an Act, entitled an Act to establish the City Court of Bessemer, approved February 28th, 1901, be and the same is hereby amended so as to read as follows: The judge of said court shall at the time of his election or appointment be a duly licensed lawyer, and shall have been for twelve months next preceding his election or appointment, a resident of that portion of the County of Jefferson, which lies within the jurisdiction of the City Court of Bessemer, and a citizen of the United States of America, and shall have been such citizen for five years next preceding his election or appointment; and shall be at least twenty-five years of age, and during the term of his office continue to be a resident of said portion of said county. Vacancy in the office of said court shall be filled by the Governor, and the term of the office of the person appointed to fill any vacancies shall be as provided by the constitution and laws of the State of Alabama, and until his successor is elected and qualified.

Section Three. That Section Three of an Act, approved March 2nd, 1907, as an amendment to Section Five of an Act, entitled an Act to establish the City Court of Bessemer, approved February 28th, 1901, be and the same is hereby amended so as to read as follows: The Clerk and Register of said Court, now in office shall continue in office for the term for which he was appointed, and until his successor is elected and qualified, unless he is removed, resign or dies. And may be removed from such office for such causes, and in such manner as are now or may hereafter be provided, by law for the removal of clerks of Circuit Court. At the next General Election of Circuit Judges in this State in the year 1916, and every six years thereafter, The Clerk and Register of the City Court of Bessemer, shall

be elected by the qualified voters residing in that part of Jefferson County over which said Court has jurisdiction, whose term of office shall be six years from date of said election, and until his successor is elected and qualified. Any vacancy occurring in the office of said Clerk and Register of said court, whether by death, resignation or removal, shall be filled by the judge of said court for the unexpired term of his predecessor, and until his successor is elected and qualified. Before entering upon the duties of his office, said clerk and register shall give a bond with sureties, in such amount as may be fixed by the judge of the said City Court of Bessemer at the time of his election or appointment, in a sum not less than five thousand dollars, and shall be payable, conditioned, filed and recorded, as required by law in respect to bonds of clerks of the Circuit Court; and shall be approved by the judge of said court. Such Clerk and Register shall have the power to perform all duties in respect to said court as may now, or may hereafter be lawfully exercised and performed by the clerks of the Circuit Court, and Registers in Chancery in this State including the power of issuing attachments and other extraordinary process, returnable before said court, to be subject to the same liabilities and penalties to be enforced by the same remedies as are now, or may hereafter, be provided, as to clerks of the Circuit Court or Registers in Chancery. The fees, or compensation, of such clerk and register, shall be the same as those now, or may hereafter, be allowed to the clerks of the Circuit Court or Registers in Chancery for like services performed by them. And he shall reside in that part of Jefferson County over which said Court has jurisdiction during his continuance in office, and shall have resided therein for the twelve months next preceding his election or appointment. Said Court shall adopt and keep a seal which shall be kept by the Clerk and Register thereof.

Sec. Four. That Section Twenty-eight of an Act, entitled an Act, to establish the City Court of Bessemer, approved February 28th, 1901 be and the same is hereby amended to read as follows: That the solicitor of this court now in office shall remain in office for the term for which he was appointed, and until his successor is elected and qualified, unless he is removed, resigns, or dies. He may be removed from office for such causes and in such manner as are now or may hereafter be provided by law for the removal of Circuit Solicitors. At the next General Election of Circuit Solicitors in this State and every four years thereafter, a solicitor for the City Court of Bessemer shall be elected by the qualified voters residing in

that part of Jefferson County over which said court has jurisdiction, whose term of office shall be four years from date of his said election and until his successor is elected and qualified. Any vacancy occurring in the office of said solicitor of said court, whether by death, resignation or removal, shall be filled as such vacancies in the office of Circuit Solicitors. The said Solicitor shall be a duly licensed lawyer at the time of his election or appointment, and during his continuance in office, shall reside in the territory over which said Court has jurisdiction, and at the time of his election must have been a resident of said territory for twelve months next preceding the time of his election. That the solicitor of said Court shall not be required to attend upon any other court in Jefferson County.

Sec. Five. That all laws, and parts of laws, special, local or general in conflict with the provisions of this Act, be, and the same are hereby repealed.

Approved July 6th, 1915.

No. 180.)

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AN ACT

(H. 106—Vaughan.

To require the county superintendent of education of Montgomery county to possess a first grade teachers certificate.

*Be it enacted by the Legislature of Alabama:*

Section 1. That at the expiration of the present term of the present incumbent, no person shall be eligible to hold the office of County Superintendent of Education of Montgomery County unless he shall first possess a first grade teachers certificate.

Approved July 17th, 1915.

No. 183.)

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AN ACT

(S. 126—Hall.

To dissolve the municipal corporation of the town of Kincey, Houston county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the Municipal Corporation, heretofore formed, known and styled The Town of Kincey, located in the County of Houston, State of Alabama, be and the same is hereby

dissolved; and that the officers elected by the Municipality, and the offices therein created, be and the same are hereby abolished.

Sec. 2. Be it further enacted that the provisions of this Act shall be and become operative on the 1st day of April 1915, and not before.

Approved July 21, 1915.

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No. 184.)

(H. 349—Gordon.

AN ACT

To provide for the working, repairing, maintaining and improving the public roads of Escambia county, Alabama, to prescribe rules and regulations for the same, and prescribe penalties for violation of the provisions of this act. Road and bridge fund.

*Be it enacted by the Legislature of Alabama:*

Sec. 1. That at the first regular meeting of the Court of County Commissioners of Escambia County, Alabama, to be held after the passage and approval of this Act, and the first regular meeting of said Court in each year thereafter, said Court shall appropriate and set apart out of the taxes levied for general purposes in said county such sum as the condition of the county treasury shall warrant, which sum shall be a part of the one-half of one per centum authorized by law for general purposes; said court shall also appropriate and set apart out of the special tax of one-fourth of one per centum authorized by law to be levied for public buildings, bridges and roads, all of said tax of one-fourth of one per centum, except so much thereof as may be necessary to pay the indebtedness of the county incurred for the building, repair or improvements of public buildings, bridges or roads. Such fund together with all other funds which may be by law set apart or appropriated for the improvement of roads and buildings and improvement and repair of bridges in said County, shall be known as road and bridge fund and shall be kept by the county treasurer separate and apart from all other funds, and shall be used exclusively for the improvement of public roads and buildings and building and repair of bridges of Escambia County and for the payment of debts incurred for such purposes.

### SUPERINTENDENTS.

Sec. 2. The Court of County Commissioners shall, after the passage and approval of this act, or as soon thereafter as practical, appoint one or more superintendents of public roads and bridges for said county who shall have control and supervision of all public roads and bridges of such district so set apart to him by said Court of County Commissioners, as to the manner of working, repairing and maintaining the same under the direction, control and supervision of the said Court of County Commissioners and who shall hold office for a term of one year and until his successor is elected and qualified.

### OATH AND BOND.

Sec. 3. That said superintendent or superintendents shall, before entering upon the duties of said office, qualify by taking and filing the statutory oath of office and giving bond for the faithful performance of the duties of said office, payable to Escambia County, in the sum of one thousand dollars, with sureties thereon, including an authorized Surety Company, to be approved by the Judge of Probate of said county, which oath and bond shall be recorded, as other official bonds are required to be recorded, in the office of the Judge of Probate.

### SUPERINTENDENT'S SALARY, REMOVAL, VACANCY AND FILLING SAME.

Sec. 4. That the said superintendent or superintendents shall receive a salary, which is to be determined annually by the Court of County Commissioners, before he enters upon the duties of his office, to be paid him monthly, by a warrant drawn by the Judge of Probate on the special road and bridge fund in said county, as above provided for. Said superintendent or superintendents may be removed from office at any time when in the judgment of the Court of County Commissioners it is best to do so, at which time his salary shall cease. That if the office of superintendent shall become vacant by death, resignation, removal or otherwise, the Commissioners' Court at the next regular or called meeting thereafter shall appoint a suitable person to fill the unexpired term.

## DUTIES OF SUPERINTENDENTS.

Sec. 5. That the duties of said superintendent or superintendents of public roads and bridges in said county shall be: (1) To have control and supervision of the overseers and public road and bridges of the county and direct the manner of working the said roads and repairing the bridges, subject only to such rules and directions as may have been previously made and given him by the said Court of County Commissioners of said County. (2) To remove any overseer who shall fail or refuse to perform his duties or comply with any reasonable order or direction of said superintendent and report such removal to Court of County Commissioners, recommend appointment of another in his place to fill the vacancy in the office of overseer, and the Judge of Probate of said county shall forthwith appoint such person to fill said vacancy and issue notice to him of his appointment, which appointment shall be subject to ratification by the Court of County Commissioners. (3) To work and improve the roads and repair the bridges of Escambia County as he may be directed by the Court of County Commissioners. Before beginning work on any road in any locality in the County, if deemed necessary by the superintendent, he shall give the overseer of said road five days notice of his intention to begin work, whereupon the overseer of said road, or, in case of his failure to do so, the superintendent of public roads and bridges shall call out for road duty all persons subject to road duty on said road and said overseer and road hands shall meet the superintendent, or overseer, or both, at the place designated in the notice given by the superintendent to said overseer. The overseer or superintendent shall see that each hand apportioned to a public road or liable to work thereon has had the notice required by law and that all persons liable to road duty perform their equal share of road services, and in the event any person who has been warned to work on a public road has a sufficient excuse for not working at the appointed time the superintendent or overseer shall see that each person perform his equal share of road services at other times or places. He shall also, in conjunction with the overseer, make a memorandum of all defaulters and see that the overseer and persons liable to road duty perform all duties required of them by law, and especially report to the Court of County Commissioners and Grand Jury at

the next session the names of all overseers who fail to comply with the law requiring them to prosecute defaulting road hands. (4) To contract for the building or repairing small bridges, culverts and causeways with the permission and consent of and direction from the Commissioner's Court and contract for such timber and material as may be necessary for the building or repairing of said small bridges, culverts and causeways and contract for the erection of mileposts and sign boards. (5) To dismiss from service on the road any hand, whether working for himself or as a substitute, who shall fail or refuse to do good and sufficient work, or who may be intoxicated, or who shall refuse to obey any reasonable order of the overseer or superintendent, and have such person proceeded against as though he had failed to obey the notice to work or had failed or refused to work on the road. (6) To take good care of teams, live stock, tools and implements turned over to him by the Court of County Commissioners; to use the same only upon the public roads and bridges of the county and at the expiration of his term of service or on his removal from office, he shall deliver the same to the Probate Judge of Escambia County, Alabama, or to the said superintendent's successor in office. (7) To make reports under oath to the Court of County Commissioners at the regular terms in February, April, August and November, in each year, showing the time each laborer had worked under him, together with any other report as may be required of him by the Court of County Commissioners. (8) To employ such laborers as he may be authorized by the Court of County Commissioners to work and labor on said roads and bridges and in such manner as his judgment is best, but under instructions and direction from the Court of County Commissioners. (9) To make monthly reports under oath to the Judge of Probate of said county, the blanks for which purpose shall be furnished by the Judge of Probate to said superintendent at the costs and expense of said county, stating the names of the pay laborers he has had in said employ and the time they have so worked, together with the amount opposite their respective names, to which they are entitled for labor performed under him, and the Judge of Probate shall immediately draw a warrant on the treasurer of said county in favor of said laborer for the amount which is due him and payable out of the road and bridge fund hereinbefore provided for. (10) The superintendent of said hired laborers shall actually work said laborers not less than ten hours each



day. Any superintendent failing, without sufficient cause or good excuse, to work said laborers ten full hours each day, as above provided, may be removed from office and when so removed shall forfeit his salary for the month or months in which such failure or failures occur. But nothing herein contained shall be so construed as to require persons who work the road in response to the summons given by overseers to work at other different hours than those now fixed and provided for by the general laws of this State.

#### APPOINTMENT OF APPORTIONERS AND OVERSEERS.

Sec. 6. Said apportioners and overseers are to be appointed, have authority and their duties shall be such as is set out in the general road law for the State of Alabama, save as to where the same conflict with this Act.

#### SUPERINTENDENT'S DUTY AS TO PERSON LIABLE TO ROAD DUTY.

Sec. 7. That it shall be the duty of the superintendent of public road and bridges to each year ascertain the names of all the inhabitants of said county, who are liable for road duty, arranged according to the election precinct in which they live, and deliver to the Tax Collector of the County alphabetically arranged, the names of all of them except those who are appointed as overseers and the Tax Collector shall thereupon assess a road tax of not less than Four nor more than Six Dollars, as may be annually directed by the Court of County Commissioners, against each one liable to road duty, which shall be paid on or before the first day of January, of each year, and shall be for the year beginning January next after it is assessed, and a receipt therefor shall be given by the Tax Collector to whom a suitable book of road tax receipts shall be furnished by the County. The Tax Collector shall immediately after the first day of January of each year, return to the Court of County Commissioners of said county the names of all persons liable to road duty who shall not have paid the road tax and the Court of County Commissioners or the superintendent of public roads and bridges shall thereupon apportion all such as have not paid their road tax to the several precincts into

which the roads may be divided. All road taxes shall be paid by the Tax Collector to the County Treasurer and carried into the road and bridge fund. That all persons liable to road duty and who shall not have paid their road taxes as above provided and shall have been apportioned to the road precinct of the several overseers shall be liable to work under said overseer or superintendent on the public roads or bridges of the county exclusive of the time to open new roads, not less than ten days in any one year. That the overseer of the precinct shall warn all persons apportioned to work in their respective roads as prescribed by the general laws of the State and any person so warned who fails or refuses to work on said public road as prescribed by this Act and the general laws of the State without legal cause or good excuse shall be guilty of a misdemeanor and upon conviction must be fined not less than Five, nor more than Twenty-five dollars and it shall be the duty of the said overseer or superintendent to proceed against any such road defaulter before any court having jurisdiction of such offense at once. That all fines collected under the provisions of this Section shall go to the road and bridge fund of said County, provided, that any overseer or superintendent of roads and bridges who fails, neglects or refuses to return such defaulter shall himself be guilty of a misdemeanor and upon conviction must be fined not less than Five nor more than Twenty-Five dollars, which shall go to said road and bridge fund.

#### PERSONS LIABLE FOR ROAD DUTY.

Sec. 8. That all male persons in said county between the ages of eighteen years and forty-five years and who are not exempt by law from road duty shall be liable for duty on the public roads of said county, unless he shall have obtained from the Board of Health of said county, a certificate that he is permanently disabled by reason of disease, injury or other physical infirmity from doing manual labor.

Sec. 9. Nothing in this Act shall be so construed as to prevent the county of Escambia from availing itself of any appropriations made or that may hereafter be made by the State of Alabama for highway or bridge construction.

Sec. 10. That all laws and parts of laws in conflict with this Act be and they are hereby repealed.

Approved July 21st, 1915.

No. 189.)

(S. 357—Miller.

## AN ACT

To ratify and confirm the payment of certain county warrants, issued by the commissioners' court of Marengo county, and paid by John C. Dunn, as treasurer of said county; and to discharge said John C. Dunn and his sureties on his official bond from all liability on account of such payment.

*Be it enacted by the Legislature of Alabama:*

That the payment of the following County Warrants issued by the Commissioners Court of Marengo County, and paid by John C. Dunn as Treasurer of said County during his official term as such treasurer, to-wit: Sundry warrants for feeding paupers not confined in the county poor house, amounting to the sum of \$975.00. Warrant paid to B. F. Gilder for checking Tax Assessor's Book, \$55.00. Warrant paid Physicians for examining Insane \$12.00 be and the same is hereby ratified and confirmed. Be it further enacted that the said John C. Dunn, and his sureties on his official bond be and they are hereby discharged from all liability whatsoever, on account of the payment of said warrants and from all interest as charged against said John C. Dunn, by J. T. Gorman, State Examiner of Public Accounts.

Approved July 27, 1915.

No. 192.)

(H. 726—Griffin.

## AN ACT

For the relief of W. L. Kimbrough; county treasurer, A. L. Hasty, judge of probate, H. C. Carter, tax collector, B. F. Gilder, county superintendent of education, W. S. Grant, clerk of circuit court and Thomas W. Grayson, tax assessor all of Marengo county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the County Treasurer of Marengo County, Alabama, be and he is hereby empowered, out of the general funds of the county, to re-imburse W. L. Kimbrough, County Treasurer, A. L. Hasty, Judge of Probate, H. C. Carter, Tax Collector, B. F. Gilder, County Superintendent of Education, W. S. Grant, Clerk of the Circuit Court, and Thomas W. Grayson, Tax Assessor—all of Marengo County, Alabama, the sum of two hundred and eighty five dollars, the same being the amount paid out by them for an adding machine for said Ma-

rengo County. Also, the sum of thirty dollars to said W. I. Kimbrough, County Treasurer, and H. C. Carter, Tax Collector for a Protectograph for the county of Marengo.

Approved August 2, 1915.

No. 199.)

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AN ACT

(H. 104—Vaughan.

To abolish the office of county treasurer of Montgomery county, and to require that the county funds be deposited in such incorporated national or State bank in the city of Montgomery as the board of revenue of Montgomery county may elect, and to provide for the custody of such funds.

*Be it enacted by the Legislature of Alabama:*

Sec. 1. That the office of County Treasurer of Montgomery County is hereby abolished.

Sec. 2. That the Treasurer of said County shall make a settlement with the Board of Revenue of said county, and the balance of the money on hand he shall pay over to the order of the said Board of Revenue to the credit of said county.

Sec. 3. That all the moneys heretofore required by law to be paid to the County Treasurer of Montgomery County shall be put into such National or State Bank in the City of Montgomery as the Board of Revenue of said county may elect to the credit of said county and all settlements heretofore required by law to be made with said treasurer shall be made with said Board of Revenue, the receipt of said bank so designated being sufficient voucher and all sworn reports heretofore required by law to be made to said Treasurer shall be made to such Board of Revenue.

Sec. 4. That accounts are to be opened and kept in said bank in such manner as such Board of Revenue may direct and the disbursements of the county funds are to be made upon the order of the Board of Revenue and said bank shall furnish said board with a full and detail statement of the receipts and disbursements on the second Monday of January and July in each and every year and as often as said Board of Revenue may require. The said Board of Revenue shall place the county funds from sealed bids, the bids being opened in December of each year with such Incorporated or National Bank in the City of Montgomery as offers the highest rate of interest to the county on daily balances of bank deposits and shall execute

such bond as the Board of Revenue may require which said bond shall not be less than One Hundred Thousand Dollars, such placing of said funds to be for such time as said Board may direct. The Board shall require of said Bank an adequate bond to secure said deposits, which bond shall not be less than One Hundred Thousand Dollars. This Act to take effect at the expiration of the term of office of the present incumbent.

Sec. 5. The Bank or Banks so designated shall be regarded as the County Treasury of Montgomery County.

Sec. 6. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved August 2, 1915.

No. 182.)

(H. 710—Stewart.

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AN ACT

To amend section 13 of an act entitled: An act to provide for the better construction, repairing, working and maintaining of public roads and bridges in Talladega county, Alabama. Approved March 15, 1911.

*Be it enacted by the Legislature of Alabama:*

That section 13 of an act to provide for the better construction, repairing, working and maintaining of public roads and bridges in Talladega county, Alabama. Approved March 15, 1911 be and the same is hereby amended so as to make the same read as follows, to-wit: Section 13. Be it enacted further, That all male inhabitants of Talladega county between the ages of 18 and 45, and not exempt from road duty under the general laws of the State (except the inhabitants of cities and towns having an actual municipal organization) shall be required to work upon the public roads of said county for six days in each calendar year. Provided that said 6 days of work may be commuted by the payment to the superintendent or to the judge of probate on or before the first day of March of each year of the sum of \$3.00 or on or before the first day of April of \$3.25; or on or before the first day of May of \$3.50; or on or before the first day of June of \$3.75; or on or before the first day of July of \$4.00. Provided, that if at any time any person so liable to perform road duty is summoned or warned to work the public road, he must then work the number of days for which he is summoned, unless he then pay to said superintendent or to the judge of probate the sum for which he may then commute said work. Provided, further, that if, in response to being warned

or summoned therefor, any person so liable to do road duty shall do any number of days work, such person may thereafter, before being warned, commute the balance or remaining portion of said six days work by paying the amount above specified, less 50 cents per day for the time so worked, up to July 1st, of any one year, and after said July 1st, no person can commute said work. If the above specified sum is not so paid on or before the date hereinbefore fixed, the road hand either in person, or by an able bodied substitute, shall perform the full six days labor. To the end that the road hands shall have the opportunity to pay such commutation money, it shall be the duty of the superintendent to attend at a designated place in each precinct on a day prior to the first day of April in each year, of which time and place he shall give notice by posting up written or printed notices in at least two public places in each precinct. No overseer shall be authorized at any time to receive commutation money in lieu of road service.

Approved July 17, 1915.

No. 196.)

(H. 517—Neely.

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AN ACT

To appropriate the sum of \$1,147.08 from the appropriation from the general educational fund for Lawrence county for scholastic year beginning October 1, 1915, for the reimbursement of M. H. Craig, former superintendent of education of Lawrence county.

*Be it enacted by the Legislature of Alabama:*

1. That the State auditor of Alabama is hereby authorized and directed to draw his warrant upon the treasury of Alabama in favor of M. H. Craig, ex-superintendent of education of Lawrence county, Alabama, for the sum of \$1,147.08, the same being the amount the said Craig was required to pay teachers in the public schools of said county on contracts made in excess of the appropriation to said county from the general educational fund for the scholastic year 1912-1913, as shown by the report of the examiner of public accounts, settlement for the same having been made in full; provided, that the treasurer shall pay said warrant out of the annual appropriation to Lawrence county from the general educational fund for the scholastic year beginning Oct. 1, 1915.

Approved August 2, 1915.

No. 353.)

(H. 1101—Smith.)

## AN ACT

To abolish the office of county treasurer of Crenshaw county, Alabama, and to require the tax collector and other officers of Crenshaw county, Alabama, to deposit to the credit of said county the funds belonging to the county into one or more of the banks of Crenshaw county, Alabama, as the court of county commissioners or board of revenue of Crenshaw county may by order direct, and subject to the orders of the court of county commissioners or board of revenue.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of county treasurer of Crenshaw county is hereby abolished.

Sec. 2. That the treasurer of said county shall make out an account current of the different funds of said county, and other funds in his hands, and settle with the court of county commissioners or board of revenue of said county within five days after this act becomes operative, and all moneys on hand including State obligations, he shall pay over to the bank or banks of Crenshaw county that may have previously been designated as the custodian of said funds by an order of the court of county commissioners or board of revenue as hereinafter provided, and the receipt from said bank or banks shall be a sufficient voucher upon said settlement with said court of county commissioners or board of revenue; but if the treasurer shall fail or refuse to pay over said funds for five days after this act becomes operative, he may be proceeded against as provided by law to compel treasurers to pay claims against the treasury. Said county treasurer shall also within five days after this act becomes operative deliver to said bank or banks so designated all books and papers relating to his office.

Sec. 3. That all the moneys and State obligations heretofore required to be paid to the county treasurer of Crenshaw county, Alabama, by the tax collector or other officers or persons, shall be paid into the bank or banks of Crenshaw county, Alabama, that may be designated as the custodian of said funds by the court of county commissioners or boards of revenue to the credit of said county, and which funds shall be subject to the lawful orders of the court of county commissioners or board of revenue, and all settlements heretofore required to be made with the treasurer shall be made with the court of county commissioners or board of revenue; the receipt of said bank or banks being sufficient vouchers; and all sworn reports heretofore required by law to be made to the said treasurer shall be made to the judge of probate of said county.

Sec. 4. That the officers of said bank or banks so designated as the custodian of said funds shall open and keep a separate and detailed account for each fund handled by said bank or banks, and shall receive and disburse the funds belonging to said county according to the provisions of this act. The disbursement to be upon warrants drawn by the judge of probate of said county, after the court of county commissioners or board of revenue have first authorized said disbursement by proper order entered upon their minutes, provided, that jury certificates and the warrants for the salary of the county solicitor and hard labor agent, may be paid upon presentation at said bank or banks, and said bank or banks shall furnish said court of county commissioners or board of revenue with a full detailed account duly sworn to of the receipts and disbursements of each fund at their regular sessions in February and August of each year, provided that all State obligations so received by said bank or banks shall be held as a special deposit.

Sec. 5. That the court of county commissioners or board of revenue shall on the day following the expiration of the term of the present county treasurer and yearly thereafter meet and designate by order entered upon its minutes one or more banks in Crenshaw county as the custodian of all funds now handled by the county treasurer, but said court of county commissioners or board of revenue shall not have the power to designate a bank or banks as such custodian for a longer period than one year at a time.

Sec. 6. The bank or banks so designated as the custodian of said funds shall before receiving any money, execute a good and solvent bond in such sum as the court of county commissioners or board of revenue may by order entered on their minutes require. Said bond shall be made payable to Crenshaw county and shall be conditioned for the faithful discharge of the duties required of it by this act, and the safe keeping of such funds. Said bond shall be approved by the court of county commissioners or board of revenue, and shall be recorded in the office of the judge of probate of said county. Any person damaged by reason of a breach of said bond may sue thereon in his own name, and recover such damages as are awarded him.

Sec. 7. That the certificate of redemption of real estate sold for taxes in the county of Crenshaw given by the probate judge of said county shall be held as evidence of such redemption without the same being presented to and countersigned by a county treasurer.



Sec. 8. That when any real estate in the county of Crenshaw shall be redeemed it shall be the duty of the probate judge to safely keep such redemption money and when the purchaser shall demand of him the amount of such redemption money, he shall upon the surrender of such certificate of purchase pay to the purchaser such amount.

Sec. 9. That this act shall not take effect nor become operative until the expiration of the term of office of the present county treasurer.

Sec. 10. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

Approved September 1, 1915.

No. 354.)

(H. 1114—Scott.

### AN ACT

To vacate the dedication of all streets, avenues and alleys through, over, on or across the following described property, situated in the city of Birmingham, in the State of Alabama, namely: That tract of land bounded on the east by 12th street, on the south by avenue B, or Second avenue south, and on the north and west by the right of way of the Louisville & Nashville Railroad; and also to vacate the dedication of all alleys through the following two tracts of land: First, the tract of land in the city of Birmingham bounded on the south by Second avenue south, on the east by 13th street, on the west by 12th street, and on the north by First avenue south; second, the tract of land bounded on the south by First avenue south, on the east by 13th street, on the west by 12th street, and on the north by the right of way of the Louisville & Nashville Railroad and the general railroad right of way through the city of Birmingham.

#### *Be it enacted by the Legislature of Alabama:*

Section 1. That the dedication of all streets, avenues and alleys through that tract of land situated in the city of Birmingham which is bounded on the south by Second avenue south, on the east by 12th street, and on the north and west by the right of way of the Louisville & Nashville Railroad, be and the same are hereby annulled, and that all the streets, avenues and alleys through the property aforesaid shall forever cease to be public highways, and that all rights of the public, as the result of any dedications of streets, avenues and alleys through said property, be and the same hereby are relinquished and abandoned.

Sec. 2. *Be it further enacted,* That the dedication of all alleys through that property situated in the city of Birmingham which is bounded on the south by Second avenue south, on

the north by First avenue south, on the east by 13th street, and on the west by 12th street, be and the same is hereby annulled; and that all alleys within the property above described shall forever cease to be public highways, and that all rights of the public through said property as the result of any dedication of alleys through the same be and the same are hereby relinquished and abandoned.

Sec. 3. *Be it further enacted*, That the dedication of all alleys through that property in the city of Birmingham which is bounded on the south by First avenue south, on the east by 13th street, on the west by 12th street, and on the north by the right of way of the Louisville & Nashville Railroad and the general railroad right of way, be and the same is hereby annulled, and that all alleys which have been dedicated through the property aforesaid shall forever cease to be public highways, and the rights of the public as the result of the dedication of any alleys through said property be and the same are hereby relinquished and abandoned.

Sec. 4. There has been doubt and uncertainty as to what, if any, streets, avenues and alleys have heretofore in any way been dedicated through that tract of land situated in the city of Birmingham known as the Birmingham Rolling Mill property, said property being bounded on the south by Second avenue south, on the east by 13th street, on the west and north by the right of way of the Louisville & Nashville Railroad Company and the general railroad right of way through the city of Birmingham. And it is the purpose and intention of this bill to enact, and it hereby is enacted, that all streets, avenues and alleys which have heretofore in any manner been dedicated through said Birmingham Rolling Mill property shall forever cease to be public highways, and that all rights of the public through said property, as the result of any dedication of streets, avenues and alleys be and the same are hereby relinquished and abandoned; except and provided that the dedication of Avenue A, or First avenue south, through said property from 13th street to the west line of 12th street, and the dedication of 12th street through said property from Second avenue south to the Louisville & Nashville Railroad right of way, shall not be affected by this act, and that the rights of the public in First avenue south, from 13th street to the west line of 12th street, and in 12th street from Second avenue to the Louisville & Nashville Railroad right of way, are not hereby relinquished.

Approved September 1st, 1915.

No. 355.)

(H. 1153—Roberson.

## AN ACT

To authorize and empower the clerk of the circuit court of St. Clair county, to employ an assistant clerk during the terms of the circuit court of said county, both at Ashville and Pell City and to provide for and fix the compensation of such assistant clerk.

*Be it enacted by the Legislature of Alabama:*

Section One. That the clerk of the circuit court of St. Clair county be and he is hereby authorized and empowered to employ a competent person to aid and assist him in the discharge of the duties of the clerk of the circuit court of said county during each term of such circuit court both at Ashville and Pell City.

Sec. Two. That the compensation of such assistant to the said clerk of the circuit court be and it is hereby fixed at three dollars per diem for each day such assistant may serve during said terms of the circuit court of said county, both at Ashville and Pell City, and the clerk of the circuit court is hereby authorized to draw his warrant on the county treasurer or other authority which may be authorized to honor such warrant or warrants in the payment of moneys out of the county funds in favor of such assistant clerk at the end of any term of said court for the amount which may be due such assistant clerk for said service, and it shall be the duty of said county treasurer or other persons authorized to pay money out of the county funds to honor such warrant or warrants the same as now provided by law in the payment of any debts or obligations which may be due from said county.

Sec. Three. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 1, 1915.

No. 356.)

(H. 958—Davie.

## AN ACT

To provide for the better building, maintenance and protection of the public roads and bridges of Bibb county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer, and for the examination of applicants for such position; to abolish the office of road supervisor for Bibb county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the board of revenue of Bibb county shall, within six months after the approval of this act, elect a county engineer who shall be superintendent of public roads of said county; he shall be provided with a properly furnished office in the county court house or elsewhere in the county seat, and shall hold his office subject to the pleasure of the board of revenue. The said county engineer shall have charge of the location, construction, improvement and maintenance of public roads, bridges and ferries in the county, subject to the general direction of the board of revenue; he shall be custodian of the records of the county concerning roads and bridges, except as herein provided; he shall select all his subordinate employees, subject to the approval of the board of revenue; he shall prepare and approve all plans and specifications, and none of his plans and specifications, orders or directions shall be countermanded, or changed, except by a specific resolution of the board of revenue duly entered upon the minutes. The county engineer shall devote his entire time to the duties of his office as designated herein and such other duties as may be assigned to him by the board of revenue, provided that he may with the consent of the board of revenue, do surveying or engineering work for private parties for which services he shall charge such fees as the board of revenue shall direct and shall pay such fees into the county road and bridge fund. The salary of the county engineer shall be fixed by the board of revenue provided that the salary shall not be less than \$1,500.00 per annum payable monthly. Said county engineer shall before taking office furnish the county with a surety bond in the sum of one thousand dollars.

Sec. 2. That no person shall be eligible to hold the office of county engineer unless he is a competent civil engineer and experienced in the construction of roads, and unless he shall stand a satisfactory examination designed to test his fitness for such office. Said examination shall be held under the direction of the State highway commission and under such regulations as it may prescribe.

Sec. 3. That before any work is done in the construction or improvement of any road or bridge, except necessary maintenance work, the engineer shall make such surveys as may be necessary, shall prepare definite plans, specifications and estimate of cost of the work and shall submit such plans, specification and estimate of the cost for approval of the board of

revenue with a recommendation as to the best method of doing the work. The board of revenue shall pass upon said plans, specifications and estimates and when said plans and specifications are approved by the State highway engineer and the board of revenue, the county engineer shall be authorized to proceed with the work by contract or by force account as the board of revenue shall direct. If the board of revenue shall determine to do such work by contract the county engineer shall advertise for bids in a newspaper published in the county, and in a daily newspaper of general circulation in the State of Alabama and by posting a copy of the advertisement at the court house. The said advertisement shall state the general character of the work to be done, the amount of certified check to be required, and the time and place at which bids will be opened. The board of revenue shall require all bids to be sealed and to be accompanied by a certified check which shall bind the bidder to enter into contract in the event of his being awarded the work. If reasonable bids are received for doing the work, the contract shall be awarded to lowest responsible bidder.

Sec. 4. That the board of revenue may enter a contract with a contractor for the construction, repair and maintenance of any road, bridge or ferry, or appurtenance thereto provided that all contracts for construction work be let under the preceding provisions of this act.

Sec. 5. That any contractor employed to construct or maintain any road, bridge, ferry or appurtenance thereto shall before entering upon the execution of such work execute a bond payable to the county of Bibb for twice the amount of contract price, said bond to be made by a surety company, approved by the board of revenue and conditioned upon the faithful performance of the contract and the discharge of his duties thereunder.

Sec. 6. That if the county, any municipality, corporation, or person is injured or damaged by the failure of such contractor to faithfully perform his contract and discharge his duties thereunder, an action may be maintained, under such bond, to recover such damages as they may have suffered.

Sec. 7. That the board of revenue shall have authority to purchase such materials, supplies, teams and other equipment as may be necessary in office or field for properly carrying on the work of construction and maintenance of the public roads, bridges and ferries of the county. The county engineer shall prepare requisitions for such materials and supplies as will be needed for roads and bridges and shall obtain quotations from

at least two dealers on each class of articles required, and shall submit said requisition to the board of revenue. When such requisition is approved by the board of revenue, the county engineer shall be authorized to purchase such approved articles at prices not exceeding those specified in the requisition. The county engineer, with the approval of the board of revenue shall be authorized to employ such assistant engineers, inspectors, rodmen, foremen, overseers, laborers, artisans and teams and to rent such equipment as may be necessary for properly carrying on the work of construction and maintenance of the public roads and bridges of the county. The county engineer shall employ sufficient number of persons to systematically drag each public dirt road in the county, as directed by the county engineer and the board of revenue; shall fix the price of dragging so as to allow reasonable wages for the men and teams performing such service.

Sec. 8. That the county engineer shall require all bills, including estimates allowed contractors and allowances for salaries and expenses, be made in duplicate. He shall certify as to the correctness of each bill and shall file the duplicate of each bill in his office and will issue a warrant on the county treasurer for the amount of each bill certified by him, the bill and warrant to bear the same serial number. Before a warrant issued by the county engineer shall be payable it shall have been previously authorized and approved by the board of revenue, and shall be presented with its original corresponding bill to the chairman of the board of revenue, who shall countersign said warrant and file the original bill in his office. This file and that in the county engineer's office shall be preserved as public records and they shall be delivered by the county engineer and the chairman of the board of revenue to their respective successors in office. The warrants issued by the county engineer in accordance with the provisions of this act, when countersigned by the chairman of the board of revenue, shall be paid by the county treasurer and charged to the county road and bridge fund.

Sec. 9. The board of revenue, if they deem it advisable, may call upon the State highway engineer for advice upon any question connected with their road work, and such advice shall be furnished free of charge, and said board of revenue shall have authority to employ a special engineer to advise them upon any special problem when, in their judgment, the best interest of the public renders such advice necessary; and when

a bridge of unusual size or type of construction is to be built the board of revenue are hereby authorized to employ a special engineer to design its construction, such plans to be approved by the State highway engineer.

Sec. 10. The county engineer shall prepare a map of the county, showing the location of all public roads and indicating the character of improvements which have been made on each road. This map shall be revised and brought up to date monthly. A tracing of such map shall be made and deposited for safekeeping in the vault of the probate office, and said tracing shall be brought up to date monthly.

Sec. 11. That the board of revenue shall, with the advice of the county engineer, classify all public roads of the county into classes designated as first class, second class and third class roads. The lawful widths of rights of way of the several classes of roads shall be as follows: First class roads 50 feet, second class roads 40 feet, third class roads 30 feet. The widths of traveled ways, the grades and character of improvement of each road shall be determined by the board of revenue in view of the requirements of traffic on each road, and the board of revenue may change the classification of any road or any specified part of a road at any time.

Sec. 12. That when a new road is to be constructed or the location of an existing road changed, the board of revenue shall pass a resolution directing the county engineer to make a preliminary survey for said road, describing the terminal points of said survey and appointing a time at which the board of revenue will meet to hear objections to the location of said road or its classification. As soon as practical after the passage of such resolution, the county engineer shall stake out said road and prepare a map and profile of same. The map shall show all the buildings and fences within 200 feet of said road, and any other improvements which may affect the amount of damages which may be caused to property by the construction of said road. It shall also be the duty of the engineer to publish a notice to the effect that he has made surveys for said road; that the map and profile are on file in his office and subject to public inspection, and giving the time when the board of revenue will meet to hear objections to the location of said road or to its classification. Such notice shall be given by publication in a newspaper of general circulation in the county, by posting a copy at the court house, and by posting one copy at each terminal point of the survey. The board of revenue shall meet at the court

house at the time named in said notice and after hearing objections to the location of said road or its classification, the said board of revenue may confirm said location, or order it amended, or abandoned, and said action shall be shown on its minutes.

Sec. 13. That the board of revenue may secure the right of way for roads by donations, purchase or condemnation.

Sec. 14. That the board of revenue shall have the right, authority and power to condemn land for road purposes under the provisions of article 1, chapter 79, of the Code of Alabama, 1907, notwithstanding the fact that there may be other modes of proceeding by law for the condemnation of land for the establishment or change of roads; and such proceedings shall be conducted in the name of the county as petitioner, and the county shall provide for the payment of all charges in connection with the condemnation of said land.

Sec. 15. That the convicts of the county may be worked upon the public roads, bridges or ferries of the county, or they may be worked under the direction of the board of revenue in quarries, gravel pits or any plant owned by the county and used for the production of road materials, although said quarry, pit or plant may be located in another county, or said convicts may be hired to or from another county or from the State, or to contractors under contracts to be made between such contractors and the board of revenue or other county or the State, for road work only.

Sec. 16. That convicts shall not be worked in squads or companies with other persons required by law to perform road duty.

Sec. 17. That the board of revenue of the county may enter into joint agreement with the road authorities of one or more adjoining counties whereby the convicts of the several counties may be combined in one gang, provided that an equitable division of the time of the gang between the several counties shall be arranged. The several counties entering into such an agreement may invest jointly in such equipment as may be necessary for properly working and caring for such joint convict gang.

Sec. 18. The board of revenue of Bibb county shall, at the time of making the annual levy of taxes for general county purposes, levy a special tax on all the taxable property of the county of one-fourth of one per centum on the assessed value of such taxable property. Such tax shall be levied and collected for the purpose of paying any debt or liability now existing or that may hereafter be created for the erection, construction or main-



tenance of necessary public buildings, bridges or roads, and such taxes shall be levied and collected as other county taxes, which tax so levied and collected shall be applied exclusively to the purposes for which the same is so levied and collected.

Sec. 19. That all money received by the county from license taxes on automobiles shall be paid to the county road and bridge fund and used only for the construction and maintenance of public roads and bridges.

Sec. 20. That all male inhabitants of the county not under eighteen and over forty-five years of age, except those exempted by the following section, shall be required to work on the public roads of the county during each year for ten days of nine hours each, provided that he may pay in lieu of such personal service the sum of five dollars (\$5.00) per year to be paid to the overseer of his road precinct not later than the first day of April, said money to go into the county road and bridge fund, and shall be used only in the construction and maintenance of roads and bridges. The road overseer shall furnish the county engineer with a list of persons who pay the per capita tax in lieu of the personal service.

Sec. 21. That the following persons shall be exempt from road duty: All women, and all men under the age of 18 and over the age of 45 years; any person who has lost an arm or leg; and all persons who by nature or disease, are rendered incapable of performing hard labor, who shall procure a certificate of such incapacity from the county board of health, sitting as a board.

Sec. 22. No person or hand is liable to work on any public road at a point on said road more than six miles from his residence.

Sec. 23. That for the purpose of maintaining the public roads the board of revenue shall from time to time divide the county into a convenient number of road precincts and require the county engineer to appoint one or more overseers for each precinct. The term of office of said overseers shall be one year, but he may be discharged for neglect of duty or inefficiency. When a vacancy occurs in the office of overseer the county engineer shall appoint some person to fill out the unexpired term.

Sec. 24. That it shall be the duty of each overseer to take a census of the persons in the area assigned to him who are subject to road duty, giving the age and color of each such person and the quarter section, farm or plantation on which he resides and to turn a list of such persons into the county engineer. He shall also collect the commutation fee, in lieu of work on

the roads, as provided for in section 20 of this act, from all persons in his road precinct and shall receive as compensation for making said collection 5 per centum on all such collections, which said fee he may retain. The said overseer shall, before entering upon the duties of his office, execute a bond with two good sureties or with a good surety company, said bond to be approved by the board of revenue and to be made payable to the county of Bibb for the faithful performance of all duties required of him and the safe handling and prompt paying over of all moneys collected by him, the amount of said bond to be fixed by the board of revenue for such an amount as they may deem to be double the greatest amount that will at any time be in the hands of the said overseer. The satisfactory performance of these duties shall exempt said road overseer from road work.

Sec. 25. Persons subject to road duty as provided for in this act and who have not, on the first day of April of each year, worked on the public roads of the county for ten days of nine hours each nor paid \$5.00 in lieu of said work since the first day of the last preceding month of April, shall be guilty of a misdemeanor and on conviction shall be fined \$10.00 in addition to the costs in said case, said fine to be paid into the county treasury to the credit of the road and bridge fund and the cost to be paid into the county treasury to the credit of the fine and forfeiture fund. It is hereby made the duty of the county engineer to enforce all the laws of this act and may himself or by the road overseers as his deputies serve criminal process as sheriffs and constables.

Sec. 26. That the county engineer shall enter the names of all persons who are subject to road duty in a suitable ledger which shall have appropriate columns for credits of money or labor.

Sec. 27. That the county engineer shall apportion such hands as do not pay the per capita tax to the roads nearest their places of residence. He shall employ a sufficient number of road overseers at a rate not exceeding \$2.00 per diem. The county engineer shall go with each overseer over the road apportioned to him and point out the work to be done and will furnish him with a list of the road hands who will work under his direction.

Sec. 28. Persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire and not for their own use or for the improvements of their farms, and per-

sons regularly engaged in the business of hauling over the roads of the county shall pay a license of one and one-half dollars per month for each two horse wagon and three dollars per month for each four horse and heavier wagon so used in such hauling. It is not intended hereby to require a license for private hauling connected with or usual to the ordinary operation of a farm, or any one hauling cord or stove wood, whether for sale or not. It shall be unlawful to do any hauling herein forbidden without first procuring such license. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than ten or more than (\$50.00) fifty dollars, to be paid in lawful money, which fine when collected, shall be paid over to the president of the board of revenue as a part of the road fund.

Sec. 29. That the word "horse" used in this act shall refer to and include ox or any other animal that may be used in drawing vehicles over the roads of this county.

Sec. 30. That all male inhabitants of the county between the ages of twenty-one and sixty-five years are subject to road duty under this act as overseers.

Sec. 31. That any overseer who fails to perform his duty as such under the provisions of this act shall be liable to prosecution and fined on conviction not less than ten dollars nor more than fifty dollars.

Sec. 32. It shall be the duty of every firm, person or corporation, land owner or agent employing hands to furnish the overseer upon his application a list of male hands in their employ or living on their lands, and failing so to do, such person, firm, corporation or land owner shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

Sec. 33. That it shall be the duty of the board of revenue of Bibb county to have this act printed for use of said board and other courts of the county and for the officers herein named.

Sec. 34. That as soon as practicable the board of revenue shall prepare and adopt such rules and regulations, not in conflict with this law, for the construction, improvement and maintenance of roads and bridges as they shall deem most suitable for the requirements of and bring the most practical results to the county.

Sec. 35. That within one year after the approval of this act the board of revenue shall cause to be erected at the intersection and crossing points of all roads, substantial boards with

suitable device and lettering thereon to indicate the direction to the nearest town or city.

Sec. 36. That should there at any time be no board of revenue in Bibb county, then all the provisions of this act shall refer to and devolve upon any governing board in and for the county having the jurisdiction and powers prescribed for the board of revenue.

Sec. 37. That the office of road supervisor in and for Bibb county be and the same is hereby abolished.

Sec. 38. That all laws and parts not in conflict with this act shall remain in full force and effect, and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved September 2, 1915.

No. 361.)

(H. 525—Weakley.

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AN ACT

To amend an act entitled "An act to create and establish the juvenile court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate on all cases of children under sixteen years of age, who are delinquent, indigent, neglected, or otherwise subject to discipline, or in need of the care and protection of the State and regulating the procedure in such cases, including the establishment and maintenance of a detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court, and define their powers and duties and provide for their compensation." Approved April 22, 1911.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act entitled, "an act to create and establish a juvenile court of Jefferson county, Alabama; to create and define its jurisdiction; and conferring power on said court to adjudicate on all cases of children under sixteen years of age who are delinquent, indigent, neglected, or otherwise subject to discipline, or in need of the care and protection of the State and regulating the procedure in such cases, including the establishment and maintenance of a detention home and probation system, and the appointment of guardians for such children, and providing for the welfare of indigent children as objects of charity, for the public good; to provide for the officers of said court and define their powers and duties and provide for their compensation." Approved April 22, 1911, be and the

same is hereby amended so as to read as follows, to-wit: Section 1. That there be and is hereby created and established in and for the county of Jefferson, State of Alabama, a juvenile court, which court shall have and exercise the jurisdiction, functions, and powers which are hereby, or which may hereafter be conferred by law, on said court. Said court shall have power to devise a seal; and the judge and clerk of said court shall have power and authority to administer oaths and affidavits.

Sec. 2. The said court shall have original jurisdiction to hear, determine, and adjudicate all cases of male children under sixteen years of age, and of female children under eighteen years of age, who are delinquent, indigent, neglected or otherwise subject to discipline, or in need of the care and protection of the State or who are in immediate danger of becoming public charges, and generally to hear and determine all cases coming within the provisions of this act, which shall be liberally construed as remedial in character, to accomplish the beneficial purposes herein set forth.

Sec. 3. The judge of said court, shall have power to issue writs of habeas corpus, upon proper showing, to have brought before him any male child under the age of sixteen (16) years and any female child under eighteen (18) years of age in Jefferson county, Alabama, who is delinquent, indigent, neglected or in danger of becoming a public charge or otherwise subject to discipline or in need of the care and protection of the State, and upon the hearing of said cause, it shall be the duty of the judge to hear the testimony and to make such disposition of said matter and issue such order for the further control, custody and discipline of said child as shall be for the best interest of said child. This court shall have concurrent jurisdiction with the chancery and probate court to hear and determine and adjudicate causes relating to said child (or children) herein described. It is not intended by this act to confer upon said court any power or jurisdiction to hear, determine, or adjudicate any cause or matter which may come before it, so as to effect any property rights of said child (or children) or other persons who may be interested, except as hereinafter provided.

Sec. 4. There shall be appointed by the Governor of Alabama a judge of said court, whose term of office shall be for six years, from the date of said appointment, and until his successor is appointed and qualified, said successor in each case being appointed by the Governor of Alabama. The said judge shall have been a citizen of the United States and Jefferson county,

Alabama, for at least three (3) years preceding his appointment, shall be learned in the law, and shall not be less than thirty (30) years of age; and during the term for which he is appointed, shall not engage in any other gainful occupation, or calling, but shall devote all of his time to the duties of his said office. He shall be a man of high moral character, of clean life, and shall be selected for his especial fitness, by training, education, and experience, to deal with delinquent and neglected children generally such as are described in this act. The salary of said judge shall be twenty-five hundred (\$2,500.00) dollars per year, payable monthly out of the general funds of Jefferson county, Alabama.

Sec. 5. This act shall apply to any male child under sixteen years of age and to any female child under eighteen years of age residing in Jefferson county, Alabama, at the time or being in said county at the time, who violates any penal law or any municipal ordinance, or who commits any act for which he or she could be prosecuted criminally, or in a method partaking of the nature of a criminal action, or proceeding, except crimes punishable by death or imprisonment in the penitentiary, and excepting assaults to ravish any female: Provided however, the judge of any court in Jefferson county, Alabama, before which such excepted cases shall come, if he believe it to be for the public good and for the interest of such child, shall have the right by order to transfer such excepted cases to the said juvenile court for trial; and in the event of such transfer said juvenile court shall have jurisdiction to try such excepted cases. This act shall likewise apply to any male child under sixteen years of age and any female child under eighteen years of age, who engages in any occupation, calling or exhibition, or who is found in any place for permitting which an adult may be punished by law, or who so deports itself, or who is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of such child. The word child, as used in this act, includes any male person under the age of sixteen years and any female person under eighteen years of age. Any person having knowledge or information that a child residing in or is actually within the county, is within the provisions or subject to the jurisdiction of said court under this act, may file with the juvenile court of Jefferson county, a sworn petition, stating the facts that bring such child within said provisions, and this petition may be upon information and

belief of the affiant. The style or title of the proceedings shall be Jefferson county, Alabama, vs. (inserting the name) a child under sixteen years of age, if a male, and eighteen years of age if a female. The petition shall set forth the name and residence of the child, and of the parents, if known to the petitioner, and shall give the name and residence of the person having the guardianship, custody, control or supervision of such child if the same be known or can be ascertained by petitioner, but if not known, and the same cannot be ascertained by the petitioner, the petition shall state the fact.

Sec. 6. Upon the filing of the petition with the court, the court or judge thereof shall forthwith, or after causing an examination to be made by an officer or other person, cause a summons to be issued, signed by the judge or clerk of said court, requiring the child to appear before the court, and the parents, guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be found, to appear with the child at such time and place as may be stated in the summons, to show cause why the child should not be dealt with according to the provisions of this act.

Sec. 7. If it appears from the petition that the child is guilty of having violated any penal law of this State, or of any municipality in Jefferson county, for which it could be prosecuted, or that the child is in such condition that its welfare requires that its custody be immediately assumed, the court must endorse upon the summons a direction that the officer serving the same shall at once take said child into his custody. In the meantime such child may be admitted to bail, or released into the custody of the judge of said court, the clerk of the court, or a probation officer, but when not so released, the child shall be detained pending the hearing of the case in the shelter hereinafter provided for, and in no case arising under this act shall any child be placed in jail, calaboose, common lock-up, or other place where criminals are confined.

Sec. 8. Service of such summons within the county of Jefferson shall be made personally by delivering to and leaving with the person summoned a true copy thereof. When the person named in the summons, other than the child, is present in court, or is a non-resident of the county, or cannot be found, or when said child is in court by reason of the violation of any law of the State, or of any municipality, service of a summons upon such other person named in the summons shall not be necessary to give the court jurisdiction; but if such other person

be not present in court, and if for any of the reasons set out above has not been served with a summons, the court must appoint a probation officer, or some other person, to act as guardian ad litem to represent the interest of such child, and such guardian ad litem shall be present at the hearing of said case to represent said child. It shall be sufficient to confer jurisdiction after its service is affected, at any time before the time fixed in the summons for the return thereof, but the court shall not proceed with the hearing earlier than the next day after the date of service, if objection be made by the parties served, or a guardian ad litem appointed to represent interest of such child. Proof of service may be made by the affidavit of the person who delivers a copy of said summons to the person summoned, if the summons be not served by an officer, but if served by a State, county, or municipal officer, his return shall be sufficient without oath other than his official oath already taken. The summons shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a contempt as hereinafter provided. The court, may, in its discretion, call upon the solicitor of said county or of the judicial district, to assist the court in any proceeding under this act, and said solicitor shall represent the county in all cases appealed from the juvenile court to other courts; and the sheriff of said county shall serve all papers directed by the court, or judge thereof to be served by him, but all papers, summons and process issued from said court in such proceedings may be served by any person selected by the court, or the judge thereof for that purpose. When the sheriff serves the papers directed to him under the terms of this act, a suitable allowance shall be made to him by the board of revenue of said county for his actual disbursements in effecting such service.

Sec. 9. Upon the return of the summons, or at the time set for the hearing, the court shall proceed to hear and determine the case. The court may conduct the examination of the witnesses without the assistance of counsel and may take testimony and inquire into the habits, surroundings, condition and tendencies of such child to enable the court to render such order or judgment as shall best serve the welfare of such child, and carry out the objects of this act; and the court, if satisfied that the child is in need of care, discipline or protection of the State, may so adjudicate, and may, in addition, find said child to be delinquent or neglected, or to be in need of more suitable



guardianship, as the case may be, and in addition to the powers granted by this act, may render such judgment and make such order or commitment, according to the circumstances of the case as any court or magistrate is now, or may hereafter be authorized by law to render or make in such cases. It is the intention of this act that in proceedings coming under its provisions the court shall proceed upon the theory that such child is a ward of the State and is subject to the discipline and entitled to the protection which the guardian and the court should give such child under the conditions disclosed in the case; and that when once jurisdiction has been obtained in the case of any such child, such jurisdiction shall continue for the purpose of this act during the minority of said child. Said court shall have power upon the hearing of any case involving any child, to exclude the general public from the room where said hearing is held, but it shall admit thereto such persons as may have a direct interest in the case, that the records of all such cases may be held from indiscriminate public inspection; but that such records shall be at all reasonable times open to inspection by such child, its parents or guardian, or its attorneys, or the attorneys for its parents or guardian. The hearings and proceedings herein provided for may be conducted in the judge's chamber or in any other room or apartment that may be provided for in such cases, and in such places within the county as may be convenient to the court and all parties concerned. No adjudication or judgment under the provisions of this act shall operate to disqualify the child for any office in any State or municipality, or from any civil service under any part of the government, and such child shall not be denominated or held to be a criminal by reason of any such adjudication, nor shall such adjudication be held to be, or denominated, a conviction.

Sec. 10. Nothing in this act shall be construed as forbidding the arrest, with or without warrant, of any child as is now or may hereafter be provided by law, or as forbidding the issuance of warrants by a magistrate as provided by law. Whenever a male child under sixteen (16) years of age or a female child under eighteen (18) years of age, and who otherwise comes under the provisions of this act, is brought before any other magistrate or court in said county, such magistrate or court shall, if such child be under sixteen (16) years of age, forthwith transfer the case to the juvenile court of Jefferson county, by an order directing that said child be taken to the shelter hereinafter mentioned; and if such child be a female

over sixteen (16) years of age, and under eighteen (18) years of age, such magistrate or court may, in his or its discretion, if it be for the public good, and for the interest of such female child, transfer said child to the juvenile court of Jefferson county as provided in this section. When such female child over sixteen (16) years of age and under eighteen (18) years of age is not so transferred by said magistrate or court, said magistrate or court before whom such child has been brought shall have full power and authority and shall proceed with the trial of such female child, as in the case of adults. Said magistrate or court may, however, by order, admit such transferred child to bail, or release such child into the custody of some suitable and proper person to appear before said court at a time designated in said order. All information, depositions, warrants and other processes in the hands of such magistrate or court shall be by him forthwith transmitted to the said juvenile court of Jefferson county, and shall become part of its records. The juvenile court of Jefferson county, shall thereupon proceed to hear and dispose of said case in the same manner as if the proceedings had been instituted in said court upon petition as provided for herein. In all cases the nature of the proceedings shall be explained to the child, and if the parents appear, to the parents also, and to the custodian or guardian of such child, and if, after the arrest of such child with or without warrant, and before the appearance of such child before the juvenile court of Jefferson county if said child be not paroled or otherwise released it shall be detained in the shelter where it shall be received, cared for and provided for according to and subject to the order and direction of said court.

Sec. 11. An appeal may be taken by any party aggrieved from any final order or judgment of said court, to any court of Jefferson county, Alabama, having equity jurisdiction within ten days after the entering of said order or judgment in said cause, but an appeal bond may, in the discretion of the court be required, which said bond shall be payable to Jefferson county, Alabama, and conditioned for the child's appearance to answer such judgment as may be rendered on appeal, as well as to secure all the costs that may be accrued on such appeal; and if such appeal be taken by a guardian ad litem appointed for the child by said court, this court may, in its discretion, grant an order allowing said guardian ad litem the actual expense incurred on said appeal and the amount so allowed shall be a valid charge against Jefferson county when approved by the

judge of said court. An appeal with or without the bond required in this act shall not suspend the judgment appealed from, nor shall it discharge the child from the custody of the court or the officer of the court, or the person into whose care the court may place the child, if the judge of said court shall enter an order that to suspend said judgment would endanger the welfare of said child. All appeals under this act shall take precedence over all other business of the court to which appeal is had. Upon said appeal, said equity court shall try said case, de novo, and shall proceed under and in pursuance of the terms of this act to render such judgment as the said juvenile court should have rendered, for the welfare of such child. Upon the rendition of said judgment, said equity court shall cause to be filed with said juvenile court, a copy of its said judgment, which shall thereupon become the judgment of said juvenile court. In the event said equity court does not dismiss said petition, and does not discharge said child, said equity court shall remand said child to the jurisdiction of said juvenile court for its supervision and care, under the terms of said order; and thereafter said child shall be and remain under the jurisdiction of said juvenile court in the same manner, as if said juvenile court had rendered said judgment in the first instance.

Sec. 12. The judge of the juvenile court of Jefferson county may arrange with any incorporated or unincorporated society or association that maintains a shelter or suitable place of detention for children in said county for the use of such place as a shelter or temporary detention home for children coming within the provisions of this act, and make and enter an order which shall be effectual for that purpose, and a reasonable appropriation shall be made by the board of revenue of Jefferson county out of the proper fund of said county towards the expense incurred by said society or association for the care of said child (or children). If, however, the judge of said court shall certify that a suitable arrangement for such use cannot be made or obtained, the board of revenue of said county shall immediately establish, equip, and maintain, on any property which said Jefferson county now owns, or which said board of revenue may see fit to acquire by lease or purchase, a home for the temporary detention of such children, separated entirely from any place of confinement of adults, or criminals convicted or held by order of any other court, to be called the "county shelter," which shall be conducted as an agency of the juvenile court of Jefferson county for the purpose of this act, and shall

be as far as possible furnished and carried on as a family home, and shall be in charge of a superintendent and matron, one or both as becomes necessary, who must reside therein. The judge of the juvenile court of Jefferson county shall have authority to appoint said superintendent and matron, either or both, and other employees of said "county shelter" in the same manner in which the probation officers are appointed under this act. The said judge may appoint as such superintendent, a probation officer, with or without additional salary. The necessary expenses incurred in maintaining said "county shelter," including the necessary salary of the superintendent and matron of the detention home, shall become a charge against the proper fund of Jefferson county and shall be paid by said county. The judge of the juvenile court of Jefferson county may appoint with the consent and upon the recommendation of the advisory board of the juvenile court of Jefferson county, Alabama, hereinafter provided for, a chief probation officer, and such deputy probation officers as are necessary to properly carry out the spirit and intent of this act, whose duties it shall be to act under the direction of said court in cases arising under this act. Said probation officers may be either men or women. The said chief probation officer shall also act as clerk of said court in cases arising under this act and the chief probation officer so appointed shall receive a salary not exceeding eighteen hundred (\$1800.00) dollars per year, and said deputy probation officers shall each receive a salary not exceeding twelve hundred (\$1200.00) dollars per year. The amount of the respective salaries to be received by said probation officers, within said limits shall be fixed and regulated as occasion may require, by the judge of said juvenile court, with the consent and upon the approval of said advisory board of the juvenile court of Jefferson county, Alabama, hereinafter provided for; which said respective salaries shall be payable monthly out of the general funds of Jefferson county, Alabama. Said judge may also, if found necessary for the adequate care, and protection of the children under the jurisdiction of the court, appoint one or more volunteer probation officers who shall serve without compensation from the county treasury, upon such conditions as the judge may prescribe. For the successful operation of this act, and the administration of said shelter, the court may devise and fix such rules of procedure and methods as in the judgment of the court will conduce to the beneficial purposes of this act, and said judge may at pleasure, remove said officers, or

either of them and salaried probation officers, shall have all the powers of a peace officer anywhere within the State for the purpose of this act and may serve any process authorized to be served by this act, and may make arrests in the execution of process issued from this court; and the said court is hereby authorized to seek the co-operation of any society or incorporation, public or private, having for their object the protection or aid of indigent or neglected, abandoned or deserted children, to the end that the court may assist in every reasonable way to give all such children care and protection which will conserve to the welfare of such children and the public in general. And it is hereby made the duty of every county, town or municipal officer or department in said county to render such assistance and co-operation within his or its jurisdictional power to further the objects of this act; and all institutions, associations or other custodial agencies in which any child may be, coming within the provisions of this act, are hereby required to give information to the court or any of said officers appointed by the court, and said court or officers may require, to further the purpose of this act.

Sec. 13. All provisions of law applicable to probation of children brought before any court or magistrate, are made applicable to cases coming within the provisions of this act, except that the period of probation may be extended by the court during the minority of said children and the time and place for the appearance of said children during said probation period shall be entirely within the discretion of said court; and during the probation period, and during the time when such children shall be committed to any institution, or to the care of any society or association or person for custodial purposes, such children shall be subject to the personal visit of such probation officer, or other agent of the court as may be appointed for that purpose; and any final order or judgment of the court in the case of any such child shall be subject to modification from time to time as the court may consider best for the welfare of such child, and no commitment of any child to any institution or other custodial agency shall deprive the court of the jurisdiction to change the form of the commitment or transfer the custody of said child to some other institution or agency on such conditions as the court may see fit to impose, the duty being constant upon said court to give such child, subject to its jurisdiction, such oversight and control as may conduce to the welfare of said child, and the best interests of the State; and

said court may, at any time, by order entered upon the records of said court, release or discharge any such child from custody or control in which it may be at such time, subject to be retaken and put in control and custody on failure to comply with the terms and conditions that may be prescribed in said order by the court.

Sec. 14. Whenever any child is found to be in such conditions, surroundings, or under such improper or insufficient guardianship as that the court, in its discretion, shall take the custody of said child from its parents, or either of them, or from the custody of any person or persons liable for its support and place it in the custody of the other parent, or in any institution or any custodial agency, the court may, after service of an order to show cause, upon the person from whose custody the said child has been taken, why the said child should not be supported by said person, order and adjudge that the expenses of caring for said child by the other parent, custodial agency, or institution appointed by the court shall be paid by such person, or persons; and in the event such persons shall be adjudged liable to pay such expenses for the care of such child, may direct how said money shall be paid to said institution, or other parent, and when the same shall be paid; and in the event that said person so adjudged liable to pay such expenses fails or refuses to pay same in accordance with the court's said order, said person so failing to pay same shall be in contempt of the court, and may be punished as hereinafter provided for the punishment of contempt of court. An appeal may be taken from said order adjudging said person liable to pay said expenses for the support of such child as provided for in section eleven of this act, and when such appeal is taken said order shall be suspended until such appeal is determined.

Sec. 15. Whenever a child within the jurisdiction of this court and under the provisions of this act appears to the court to be in need of medical care, an order shall be made for the treatment of such child in a hospital, or other suitable place, and the expenses thereof shall become a county charge, and be paid by the county. The county may recover the said expenses so incurred, in an action at law, from any person or persons liable for furnishing necessities for said child. For the purpose of ascertaining whether or not any child coming under the jurisdiction of this court is in need of medical care the court shall have the right and may cause any such child to be examined by any reputable physician which it may select, or by any health officer of said county.

Sec. 16. If it shall appear to the court, in the case of any neglected or dependent child or children in need of more suitable guardianship that has been taken from its home or the custody of its parents, that conditions have so changed that it is consistent with the public good and welfare of such child, that the parents have the custody of said child, the court may make a suitable order in the premises. In committing any child to any custodial agency, or placing it in any guardianship other than that of its natural guardian, the court shall, as far as practicable select as the custodial agency, some individual holding to the same religious belief, if any, as the parents of such child, if any; or some institution or association governed by persons of the same religious faith as that of the parents of the child, unless the institution be a State or municipal institution.

Sec. 17. If in the course of a proceeding instituted under this act it shall appear to said court that the welfare of such child will be best promoted by the appointment of an individual as a general guardian of his property and of his person, when such child is not committed to any institution or to the custody of any incorporated society, the judge of said court shall apply to the probate judge of said county for the appointment of such guardian, and may select or name said guardian (provided however that a child over fourteen years of age may nominate its own guardian) who shall be appointed by the probate judge, as guardian of the property of said child and of the person of said child. In any case arising under this act the judge of said court may determine as between parents whether the father or mother shall have the custody, education, direction and control of such child.

Sec. 18. Nothing contained in this act shall be construed as superseding or abridging the general chancery power and jurisdiction exercised by the courts of this State over the person and estates of minors, nor as superseding or abridging the authority of the probate court to appoint guardians for infants as now provided by law.

Sec. 19. It shall be the duty of the judge of said juvenile court of Jefferson county to visit at least once a year each institution in which there shall be at the time any child under commitment pursuant to this act, and the matrons and officers of said institution in all its departments, to the end that the court may be advised of the propriety of continuing the use of the said institution as a custodial agency; and said judge may

examine witnesses under oath within the county wherein said institution is located or appoint a referee for the purpose of obtaining information as to the fitness and efficiency to said institution.

Sec. 20. Said court shall have the power to determine the form and character of its records and to devise and publish rules to regulate the proceedings in all cases coming within the provisions of this act, and for the conduct of all probation and other officers of the court in such cases, and such rules, shall be enforced and construed beneficially for the remedial purposes embraced therein. The court may also devise, promulgate and cause to be printed for the use of the public and for the use of the court forms which may be found necessary and convenient for the use in cases coming under this act; and all such expenses and all expenses of maintenance and care of wards of court under detention that may be incurred by order of the court in carrying out the provisions and intent of this act shall be a valid charge against Jefferson county, Alabama, and shall be paid by the county treasurer of said county, when itemized and sworn to by the creditors or other person knowing the facts in the case, and approved by the judge of said juvenile court of Jefferson county. It is hereby declared by the Legislature of Alabama that it is a public duty to care for all dependent, neglected and wayward children coming under the provisions of this act, and that it is the purpose of this act to place the burden of expense incident to this charity on the proper funds of Jefferson county as hereinabove provided.

Sec. 20 (a). The judge of the juvenile court of Jefferson county, Alabama, shall have the authority, and he may appoint one or more probation officers, to act as referee in the first instance, to hear any cases coming under the jurisdiction of said court, and make report thereof together with said referee's conclusions and recommendations. If no exceptions be taken to said report, and no review be asked thereof, such report and recommendation, if confirmed, shall become the judgment of said court. A review of the conclusions and recommendations of said referee may be had by any child, parent, guardian, or custodian of any child by filing a petition for review thereof with said referee at any time within three days after the entry of the finding of said referee.

Sec. 20 (b). The judge of said juvenile court of Jefferson county, Alabama, shall appoint a board of not less than ten nor more than fifteen citizens of Jefferson county, Alabama,



known for their interest in the welfare of the dependent, neglected, and delinquent children of said county, who shall serve without compensation, to be called the advisory board of the juvenile court of Jefferson county, Alabama. Said advisory board at its first meeting shall organize by electing such officers, and adopting such by-laws, and rules and regulations for its government as it may deem best for the purposes herein set forth. Said board shall hold office during the pleasure of the court or the judge thereof. Women shall be eligible to appointment on said board. The duties of the board shall be as follows: (1) To advise and co-operate with the judge of said court in the appointment of its probation officers, and in fixing and regulating the amount of the salaries to be paid said officers; and to advise and co-operate with the court upon all other matters affecting the workings of the act creating the court, and to recommend to the court any and all needful measures for the purpose of carrying out the provisions and intent of the law creating said court. (2) To visit as often as they conveniently can all institutions or associations receiving children under this act and to report to the court from time to time the conditions and surroundings of the children received by or in charge of any such persons, institutions or associations. (3) To make themselves familiar with the work of the court under this act, and to make an annual report to the public of the work of said court.

Sec. 20 (c). If at any time the court, or judge thereof, is convinced that any delinquent child brought before it under the terms of this act, cannot be made to lead a correct life, said judge may send said child back to the court in which it is or was charged with an offense, there to be proceeded against according to law, and as if there had been no suspension of said proceedings in said last named court. In the event that the said juvenile court, or judge thereof, so transfers such case, said child so accused may be committed to the county jail or police station, pending the proceedings in the court to which said case is transferred, or may be released on bail by the judge of said juvenile court to answer such proceedings in said court to which said case has been transferred. The clerk of the juvenile court shall at once, upon said transfer being ordered certify all papers in said proceedings to the court to which such transfer is made.

Sec. 20 (d). Whenever in the course of any proceedings instituted under this act, or when in any other manner, it shall

appear to the said court that a parent, guardian, or person having the custody, control or supervision of any delinquent, neglected or dependent child, or that any other person has knowingly or wilfully encouraged, aided, abetted, or caused or connived at such state of delinquency, neglect or dependency, or has knowingly or wilfully done any act, or acts, to directly produce, promote or contribute to the conditions which render such child delinquent, neglected, or dependent, the said court shall have jurisdiction in such matters, and shall cause such parent, guardian or other person, as the case may be, to be brought before it upon either a summons or a warrant, affidavit, or probable cause having first been made, for such order in the premises as the court may see fit to make in accordance with this section. In case of bringing of such person into court under the summons or warrant, above provided for, such accused person shall have the right to bail in such sum as may be named by the court, the same to be approved as to amount and sureties by the judge of said court; and in default of said bail, the person so accused shall be committed to the county jail, there to wait trial or other disposition of said cause by the court. The court shall have full power and authority to hear and determine such charge so brought against such parent, guardian, or other person, and to determine the guilt or innocence, of such accused person, parent or guardian. And in the event that said parent, guardian, or other person shall be found guilty by the court, the court shall have the power to impose a fine of not more than one hundred dollars, and in addition thereto may impose a sentence to hard labor for the county, for not more than six months, or to a term of imprisonment in the county jail, for not more than six months. In the trial of such cases said court shall have and exercise all the power, jurisdiction and authority now possessed, or which may hereafter be conferred upon county courts; and the institution and trial of such cases shall, except as is herein otherwise provided, be had and conducted as other misdemeanor cases are begun and tried in such county courts. In the trial of such cases, said juvenile court shall determine both the law and facts, without the intervention of a jury, and shall award such judgment, under the terms of this section, as shall seem just. The judge of said court, shall have authority, in his discretion, to suspend the payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, and to place such accused person on probation, for such period of time, not to exceed six months, and upon such

terms and conditions as to the said judge may seem proper; the judge of said court may, further, in his discretion, as part of the judgment, require such person to enter into a bond, with or without surety, in such terms as the court may direct, to comply with the orders of the court; and said judge shall have authority to revoke such suspension of said fine, or imprisonment, upon a violation by the probationer of the conditions, and terms, upon which such suspension was made. Such revocation by said judge shall immediately put into effect the original fine, or term of imprisonment, originally imposed. The defendant, if convicted, shall have the right to appeal to the next ensuing term of the circuit court of the county, where he may have a trial by jury. Pending said appeal, upon his entering into bond, with sufficient sureties, in such sum as the court may require, conditioned that he will appear at said circuit court, until discharged by due course of law, he shall be released from custody. If the defendant fails to make the required bond, he shall be confined in the county jail, till tried. Upon the taking of such appeal, the clerk of the said court shall at once certify to the clerk of the circuit court, of said county, all papers in the cause affecting the person appealed, together with a transcript of all proceedings had in said court, in said matter. The clerk of the said circuit court of said county shall set all cases appealed from this court as preferred cases in said circuit court, to the end that said cases may have a speedy hearing in said circuit court. Upon said appeal, said circuit court shall try said case *de novo* and shall proceed, under and in pursuance of the terms of this act, to render such judgment as said juvenile court should have rendered. If, upon the rendition of its said judgment, the said circuit court shall suspend the payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, and place such convicted person upon probation, under the terms of this section, said circuit court shall cause to be filed with said juvenile court, a copy of its said judgment, which shall, thereupon become the judgment of said juvenile court, in said case; and upon the rendition by said circuit court of such suspended sentence, said circuit court, shall remand said convicted person to the jurisdiction of said juvenile court, for its supervision and care, under the terms of said judgment; and thereafter said convicted person shall be and remain under the jurisdiction of said juvenile court, in the same manner as if said juvenile court, had rendered said judgment in the first instance.

Sec. 20 (e). Any person who knowingly and wilfully disregards or fails to obey any lawful order made by the judge of said court under the provisions of this act shall be guilty of a contempt of court. And any person who knowingly interferes with or opposes or otherwise obstructs any probation officer in the performance of his or her duties under this act, or who knowingly makes any false statement to such probation officer about any matter or person about which he or she is inquiring in the discharge of their duty shall be guilty of a contempt of court. And generally any and all acts which would be a contempt of a chancery court in this State, shall be and constitute a contempt of this court. And the judge of said juvenile court shall have the same right and power to punish for contempt of said court as have chancellors in this State to punish for contempt of said chancery court.

Sec. 20 (f). All bonds and undertakings taken and approved by the judge of this court, either for the appearance of any minor or for the performance of any other duty or undertaking set forth in said bond, shall be valid and enforceable even if the principal in said bond shall be a minor. In the event of a failure upon the part of the principal or sureties in any of said bonds to faithfully carry out and discharge the undertakings of said bond, then in that event the judge of such court shall have the right to transmit said bond together with his certificate to the effect of the failure of the said principal and sureties thereon to carry out and discharge their undertakings in said bond to the clerk of the circuit court of Jefferson county, Alabama. And in the event of such certification by the judge of this court to the clerk of the circuit court it shall be the duty of the clerk of the circuit court to at once bring the same to the attention of one of the judges of said court, who shall proceed to enter a forfeiture of said bond so transmitted in the manner and form now provided for the forfeiting of bonds in the circuit court, after which writs of scifa and execution shall issue thereon as now provided by law upon the forfeiture of bonds in criminal cases in said circuit court.

Sec. 21. All provisions of the penal law of the State of Alabama and all original laws of this State, and all other laws local and general inconsistent with or repugnant to this act, shall be construed as inapplicable to the cases arising under this act, and so far as they are inconsistent herewith they are hereby repealed. Approved April 22, 1911.

Sec. 22. This act shall go into effect immediately upon its approval by the Governor of Alabama.

Approved September 3, 1915.

No. 362.)

(H. 1490—Judge.

### AN ACT

To amend sections 7, 8, 13, 9, 18 and 22 of an act entitled an act to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby county, Alabama.

*Be it enacted by the Legislature of Alabama:*

That section 7 of an act approved April 22, 1911, to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby county, be and the same is hereby amended so as to read as follows: Section 7. Any person who is liable to work on the public roads in said county shall be exempt from all road duty if he shall pay to the tax collector between the first day of January and the fifteenth day of February of each year the sum of five dollars for the benefit of the roads of said county. Any person who fails to pay the said sum of five dollars by the 15th day of February of any year shall be exempt if he pays to the tax collector five dollars and the additional sum of fifty cents as a delinquent fee prior to the time he is warned to work on the public roads of said county. Any person who fails to make such payment to the tax collector before he is warned to work on said public road may after he is warned exempt himself by paying to the tax collector the sum of five dollars and the additional sum of seventy-five cents.

*Be it enacted by the Legislature of Alabama,* That section 8 of an act approved April 22, 1911, to provide for the control, working, maintenance, building and improvement of the public roads and bridges of Shelby county, be and the same is hereby amended so as to read as follows: Section 8. The tax collector of Shelby county is hereby designated as the person to collect the road fund provided for in this act. The said tax collector shall have printed at the expense of the county receipt books with stubs or duplicate of such receipts which shall be at all times open to the inspection of the public. The tax collector shall keep said road fund paid in lieu of said work, and any other road funds which shall be appropriated out of any gen-

eral or special fund collected for said county separate from all other funds, and said funds shall be paid out on warrants drawn by the commissioners' court or board of revenue of said county. Provided, further, that the funds paid in lieu of work shall go to the road, and the section of the road on which the party belonged to work had he not paid said county instead of said work.

*Be it enacted by the Legislature of Alabama, That section 13 of an act of the Legislature of Alabama approved April 22, 1911, to provide for the control, working, maintenance, building and improvement of the public roads and bridges in Shelby county be and the same is hereby repealed.*

*Be it enacted by the Legislature of Alabama, That section 9 of an act approved April 22, 1911, to provide for the control, working and maintenance, building and improvement of the public roads and bridges of Shelby county, be and the same is hereby amended so as to read as follows: Section 9. The board of county commissioners or the board of revenue of said county shall have the right and power to expend said funds in keeping up and maintaining the dirt roads and bridges of said county and in opening up new roads therein; and the said commissioners' court or board of revenue shall have the power to work and maintain said road and bridges of said county by letting out same or any part thereof by contract to the lowest responsible bidder, or may employ as many overseers as they may deem necessary, and may in their discretion employ overseers who are not subject to road duty, and pay them for their services an amount not to exceed \$2.00 per day for their said services rendered on said roads, and may employ other labor to work on said roads at their discretion.*

*Sec. 2. Be it further enacted by the Legislature of Alabama, That section 18 of an act approved April 22, 1911, to provide for the control, working and maintenance, building and improvement of the public roads and bridges of Shelby county, Alabama, be and the same is hereby amended so as to read as follows: Section 18. All persons who have not exempted themselves from road duty by paying the \$5.00 road fund and the delinquent fee if chargeable therewith, shall have two days warning before they are liable to be returned for not working the public road, the person giving the warning must give two days notice in writing or by personal notice, if served by written notice it may be left at the residence of the person subject to road duty, and such person shall be warned at such time*

and place as may be appointed in the notice and with such tools as may be directed in the notice.

Sec. 3. *Be it further enacted by the Legislature of Alabama*, That section 22 of an act approved April 22, 1911, to provide for the control, working and maintenance, building and improvement of the public roads and bridges of Shelby county, Alabama, be and the same is hereby amended so as to read as follows: Section 22. In the working or maintenance of the public roads or bridges, either by contract or otherwise the commissioners' court or board of revenue shall not be restricted in the expenditure of road funds to precincts or road districts, but may expend the money on the roads as they may deem best, provided that all funds obtained by parties who are subject to road duty paying money in lieu of said work, shall be used on the roads to which said parties paying said money, would be bound to work had they not paid said money.

Approved September 4, 1915.

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No. 363.)

(H. 1440—King.

### AN ACT

To authorize and empower the treasurer of Marengo county to appropriate to the fine and forfeiture fund of said county all fines, penalties or other pecuniary imposition received from convicts sentenced to the county roads, where the same are paid directly or in money by said convicts.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the county treasurer of Morgan county shall receive and appropriate to the fine and forfeiture fund of said county all fines, penalties or other pecuniary imposition derived from convicts sentenced to the county roads, where the said fines, penalties or other pecuniary impositions are paid directly or in money by said convicts.

Sec. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, and that this act shall go into effect immediately upon its approval by the Governor.

Approved September 4, 1915.

No. 364.)

(H. 1394—Shapiro.

## AN ACT

To abolish the office of county auditor of Jefferson county, Alabama; to provide for the disposition of the books, papers, documents, files and property of said office; to empower the county treasurer to employ an auditor, to fix his salary and to provide for the payment thereof.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of auditor of Jefferson county, Alabama, be and the same is hereby abolished.

Sec. 2. That the auditor of Jefferson county be, and he is hereby, directed to deliver to the county treasurer of said county all the books, papers, documents, files and property, of whatever nature or description, belonging, or in any way pertaining to said office or said county.

Sec. 3. That immediately upon the taking effect of this act the county treasurer of said county is authorized, and it shall be his duty, to employ a competent auditor at a salary not exceeding fifteen hundred dollars per annum, who shall perform all of the duties now required to be performed or which may hereafter be required to be performed by law by said county auditor, and such additional duties as may be imposed upon him by said county treasurer. Said auditor shall also, when directed by the Governor, examine any of the books of the county officials for the State, and for such services shall receive the same compensation as State examiners receive for similar services, to be paid out of the general fund of the State upon the order of the Governor. The services of said auditor may also be invoked by the grand juries of said county in the performance of the duties of said grand juries. Said auditor at the request of any grand jury shall make an investigation into the condition of the office of any public official of said county, or any public institution supported in whole or in part by county funds, and report the results of said investigation to said grand jury. The salary of said auditor shall be paid out of the county treasury in the same manner as other salaries of other county employees are now paid.

Sec. 4. This act shall take effect and become operative after the expiration of the present incumbent of county auditor of said county.

Approved September 4, 1915.



No. 365.)

(H. 1404—Spessard.

## AN ACT

To confer further powers and authority upon the court of county commissioners of Perry county, Alabama, relating to public roads and bridges.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Perry county, Alabama, is hereby vested with and shall have power and authority to create and establish road districts in said county, and to fix and define the boundaries thereof, and to create and establish a board of supervisors in and for each of said districts, and to fix and define the powers, authority and duties of said boards and the members thereof, and to appoint, or provide for the appointment or selection of the members thereof, their tenure or term of office and for their removal and to this end said court may confer upon and delegate to said board the powers and authority and duties, relating to public roads, bridges and ferries, now vested in or imposed by law upon said court, or so much of same as said court may determine, the same to be exercised under the supervision of said court; it being the purpose and intention of this act to confer legislative, executive and judicial powers upon said court and here authorizing and empowering it to establish, enact, ordain, promulgate and enforce rules, regulations and laws necessary, incidental or proper to carry out or effectuate the above powers, to regulate said board and to otherwise provide for the making, improving and maintenance of a good system of public roads, bridges and ferries in said district and for the regulation of the use of the same.

Approved September 4, 1915.

No. 366.)

(H. 1418—Rogers of Elmore.

## AN ACT

To abolish the office of county treasurer of Elmore county, and to provide for the court of county commissioners of Elmore county to contract with one or more banks in the county of Elmore to keep the county funds and to discharge the other duties now provided by law to be discharged by the county treasurer of Elmore county, and to provide for the payment of interest to the county on monthly balances on county funds in said bank or banks.

*Be it enacted by the Legislature of Alabama:*

1. The office of county treasurer of Elmore county, State of Alabama, is hereby abolished; provided that nothing contained herein shall affect the term of office of the county treasurer now holding such office.

2. At the expiration of the term of office of the present treasurer, he is hereby required to make a complete and final settlement of the affairs of his office with the court of county commissioners of Elmore county and deliver all funds, documents and books pertaining to his office to the said court of county commissioners of said county.

3. The court of county commisisoners of Elmore county are hereby directed and empowered to contract with one or more banks, located in said county, to keep the funds of the county, and to discharge the other duties now required of the county treasurer of said county. Said court shall so contract with such bank or banks as will pay to the county the highest rate of interest on the monthly balances of the county's funds, and each and every bank may appear by its representative before the court and make its bid for the keeping of the county's funds, or may make sealed bids, as may be directed by the court; if by sealed bids, the same must be opened in the presence of the court and the bidders, if they desire to be present and give notice thereof to the said court; provided, one of the banks designated must be located at the county site.

4. Before entering upon the discharge of its duties such bank or banks designated by the court of county commissioners of Elmore county shall execute a good and solvent bond in double the probable sum that may be in their hands at any one time, to be determined by the court, payable to Elmore county, and conditioned as now provided by law for county treasurers bonds. Such bond shall be approved by the judge of probate of Elmore county and recorded in the office of the judge of probate of said county. The bond herein required must be made by a surety company authorized to do business in the State of Alabama and to become surety on bonds. The premiums on said bond or bonds shall be paid by the court of county commissioners at its first meeting after the execution and approval of said bond or bonds. Nothing contained in this act shall be deemed mandatory on the court of county commissioners of said county to contract with more than one bank.

5. The bank, or banks, designated by the court of county commissioners shall make quarterly reports to the said court,

and an officer of said bank shall certify to same before an officer authorized to administer oaths, and shall show in said statement all receipts and disbursements duly itemized. Such bank or banks shall place to the credit of the county each month the interest on monthly balances, as per their contract with the court of county commissioners. Such bank or banks shall discharge, in addition, all the other duties now required by law of the county treasurer.

6. The tax collector of Elmore county shall pay over to the bank or banks, designated by the court of county commissioners the money he collects for the county and State not less than once each week, taking the receipt of such bank or banks, in triplicate, one for himself, one for the probate judge and one for the State auditor, of which they shall keep a record.

7. The bank or banks designated shall not pay out any of the funds of the county except in the manner now provided by law. All the provisions of section 211 of the Code of 1907 are hereby in all things retained, except the provisions of this bill in conflict therewith, and the provisions herein in conflict with the provisions of said section shall govern.

8. No compensation, salary or commission shall be allowed to or charged by said bank or banks for their services as provided herein.

9. All laws and parts of laws in conflict herewith are hereby repealed.

Approved September 4, 1915.

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No. 367.)

(H. 1262—Scott.

AN ACT

To establish the office of recording clerk of the inferior court of Ensley, for precinct No. 45 of Jefferson county, Alabama, to provide for the selection of such recording clerk, define his duties and to prescribe his compensation.

*Be it enacted by the Legislature of Alabama:*

1st. The judge of the inferior court of Ensley, in and for precinct No. 45 of Jefferson county, Alabama, is hereby authorized and required immediately upon the passage of this act to appoint a suitable and proper person as clerk of the inferior court of Ensley, who shall be known as the recording clerk of said court.

2nd. Said clerk before entering upon the discharge of his duties shall give bond in the sum of two thousand dollars payable to Jefferson county, Alabama, and conditioned to faithfully discharge the duties of the said office and to pay all money coming into his hands as such clerk to the party or parties or to the officer or officers entitled thereto, and to faithfully account for any and all moneys coming into his hands by the virtue of said office. And any party, or parties aggrieved by his failure to do so or any officer entitled to any funds or moneys in his hands which he fails to pay over may enter suit in their respective names for its recovery and the sureties on this bond shall be jointly liable with said clerk thereon.

3rd. Said recording clerk shall receive a salary of one hundred dollars per month for his services as such recording clerk which shall be paid on the warrant of the said clerk out of the treasury of Jefferson county, Alabama, on the last day of each month.

4th. It shall be the duty of said clerk to issue all papers and process from and for said court except warrants of arrest, and he shall keep a docket or dockets of the proceedings had in said court and shall certify all appeals and certiorari therefrom.

5th. The term of office of said clerk shall be the same as that of the judge of appointing him and until his successor is appointed and qualified. For good cause the judge of said court may remove him from office.

6th. All laws and parts of laws in conflict herewith are expressly repealed.

Approved September 4, 1915.

No. 368.)

(H. 885—Wharton.

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AN ACT

To vacate and annul certain parts of avenues, streets and alleys in the Stevenson Land and Improvement Company's addition to the town of Stevenson.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the following avenues, streets and alleys in the Stevenson Land and Improvement Company's Addition to said town, to-wit: Nebraska, Louisiana and Kansas avenues, from Fifth to Eighth streets; Sixth and Seventh streets from

Kentucky avenue to Broad street and all the alleys running through blocks 9, 10, 11, 62, 63, 64, 65, 68, 69, 70, 71, 87, 88, 89 and 90, be and the same are hereby annulled, vacated and abolished as public streets or public highways and the same shall forever cease to be public streets or highways and the dedication thereof as such is hereby extinguished and annulled.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 7, 1915.

No. 369.)

(H. 863—Riley.

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AN ACT

To establish a board of revenue for Conecuh county, to provide for their election and prescribe their powers and duties, to divide the county of Conecuh into five districts, and abolish the court of county commissioners for Conecuh county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby established a board, consisting of five members, to be known as and called "the board of revenue for Conecuh county."

Sec. 2. That the county of Conecuh is hereby divided into five districts: The first district is composed of the territory in said county embraced within the precincts or beats as now existing, designated and known as beats one, two, three, fourteen and fifteen; the second district is composed of the territory in said county embraced within the precinct or beat as now existing designated and known as beat eleven; the third district is composed of the territory in said county embraced within the precincts or beats as now existing, designated and known as beats eight, nine and ten; the fourth district is composed of the territory in said county embraced within the precincts or beats as now existing, designated and known as beats six, seven and twelve; the fifth district is composed of the territory in said county embraced within the precincts or beats as now existing, designated and known as beats four, five and thirteen.

Sec. 3. That at the general election to be held in the year 1916, a member of the board of revenue shall be elected for each of the said districts by the qualified electors of the district, whose term of office shall commence on the first Monday after the second Tuesday in January next succeeding their election, and those elected for the first, third and fifth districts, respec-

tively, shall hold office for two (2) years and until their successors are elected and qualified, and those elected for the second and fourth districts, respectively, shall hold office for four (4) years and until their successors are elected and qualified; and each of the said members of the board shall be a resident of the district from which he is elected and shall reside in the said district during his term of office; and subsequently, and on the expiration of the terms of office of the members of the said board as above provided, there shall be elected members from each of the said districts as above provided, who shall hold office for a period of four years and until their successors are elected and qualified.

Sec. 4. Regular terms of the said board of revenue shall be held on the second Mondays in February and August and the first Mondays in April and November of each year and such special and adjourned terms as the said board of revenue may deem necessary and proper. Notice of all special terms shall be given by the president of the board by publication for fifteen (15) days in a newspaper published in the county.

Sec. 5. At the first regular meeting of the said board of revenue, held after their election, the said board of revenue shall choose from its members a president.

Sec. 6. Should any vacancy occur upon the said board of revenue, such vacancy shall be filled by appointment of the Governor for the unexpired term.

Sec. 7. That the said board of revenue shall have the power and authority to direct and control the property of the county as it may deem expedient and according to law, to levy general and special taxes for particular county purposes according to the provisions of the laws of the State of Alabama general or special, to examine, settle and allow accounts and claims chargeable against the county, to examine and audit accounts of all officers having the management, collection or disbursement of money belonging to the county or appropriated for its use or benefit.

Sec. 8. That the said board shall have all of the jurisdiction and all of the powers which are now or may hereafter be by law vested in the courts of county commissioners of this State, and the several members of the said board of revenue of Conecuh county shall respectively perform all the duties and services and render all the powers which are or may be required by law of the members of the courts of county commissioners.

Sec. 9. That all the general laws hereafter enacted by the Legislature of Alabama in relation to the jurisdiction, powers, authorities or duties of county commissioners in this State shall apply to the said board of revenue of Conecuh county except so much of the said general laws as may relate to the mode of selection of said court of county commisisoners, provided that this act shall not be construed to impair the jurisdiction and authority of the said board.

Sec. 10. That the said board shall have the power and authority to compromise the outstanding debts of Conecuh county, to examine into and pass upon the regularity of warrants already issued, to classify and register outstanding warrants, and may pledge the credit of the county to raise money to discharge the same as it is now or may herafter be provided by law.

Sec. 11. That the president of the said board shall sign the mintues of the proceedings of the said board and shall sign all warrants drawn upon the county treasurer, all orders for payment or disbursement of the money or funds of the county. It shall be the duty of the said president of the said board to receive and prepare the business and obtain information for the sessions of the said board and see to the execution of all orders of the said board and for such last named services he shall receive a reasonable compensation not exceding \$3.00 per day nor the amount of \$150.00 per annum.

Sec. 12. That the majority of the said board shall constitute a quorum for the conducting of business and no funds belonging to the county shall be drawn out or paid out except as authorized by the said board, and a proper list and registry of all sums drawn or paid out and the nature of the claim and of the person in whose favor, drawn or paid out shall be kept by the president of the board.

Sec. 13. The president of the said board of revenue shall issue all notices required to be given by the said board and by law, shall under the direction of the said board keep the minutes and records of the proceedings of the said board in a well bound volume provided for that purpose, which said records shall be kept in the office of the judge of probate of said county and shall be opened at all reasonable hours to the inspection of the citizens of the said county, and generally to do and perform all such duties and matters as may be required of him by the said board. The president of the said board shall be allowed fifteen cents per one hundred words for recording the pro-

ceedings of the said board. The minutes of the said board shall be recorded in the minute book provided for that purpose within five days from the adjournment of any meeting of the said board, regular or special.

Sec. 14. Such board shall be a court of record when acting in a judicial capacity.

Sec. 15. It shall be the duty of the clerk of each court of the said county and of the register in chancery to render to the said board within ten days after adjournment of each term of said courts a list under oath of all fines and forfeitures taken and judgments rendered during such term for the use of the said county.

Sec. 16. It shall be the duty of the board of revenue to cause to be published in some newspaper published in Conecuh county, Alabama, quarterly, a statement showing the receipts of all moneys by the county during the preceding quarter, and from what source so received, and a statement of all sums disbursed during the preceding quarter and for what, and to whom, so disbursed. The said board of revenue, failing or refusing to comply with this section of this act, shall thereupon vacate their offices and, upon certificate under oath being filed with the Governor of the State of Alabama, by the clerk of the circuit court, the sheriff of the said county and the judge of probate that this section of this act has not been complied with, the Governor shall declare such offices vacant and shall proceed thereupon by appointment to fill such vacancies.

Sec. 17. That the members of the said board shall each be entitled to \$3.00 for each day of actual services rendered, five cents per mile for traveling to and from the sittings of the said board and for necessary travel within the county for investigating, viewing, letting or receiving public roads or bridges, to be paid by the county treasurer on warrants signed by the president of the board.

Sec. 18. That the said board shall hold its sessions or meetings at the county seat.

Sec. 19. That after the expiration of the terms of office of the now commissioners of Conecuh county, the commissioners' court for Conecuh county shall be, and the same hereby is, abolished.

Sec. 20. That all laws and parts of laws, general or special, that conflict with the provisions of this act be, and the same hereby are, repealed.

Approved September 7, 1915.



No. 370.)

(H. 758—Stewart.

## AN ACT

To establish an inferior court in precinct 11, Talladega county, Alabama, in lieu of all justices of the peace in said precinct, and to define the jurisdiction and powers of said court and the judge thereof, to provide for the execution of processes of said court and the operation thereof, to provide for the appointment, election, term of office, qualifications and compensation of the judge thereof, and to abolish the offices of all justices of the peace in said precinct.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby established an inferior court in precinct 11, Talladega county, Alabama, which shall be known and designated as the inferior court of Sylacauga, which shall be in lieu of all of the justices of the peace within said precinct. The said court shall have all the powers and jurisdiction now conferred by law on justices of the peace in said precinct, or that may hereafter be conferred by law on justices of the peace or on said court; and the judge of said court shall have and exercise all the powers and authority and perform all the duties now prescribed by law or that may hereafter be provided by law for justices of the peace in said precinct. Said judge shall have the same rights and privileges and the same disabilities and penalties as now or may hereafter apply by law to justices of the peace.

Sec. 2. *Be it further enacted*, That there shall be a judge of said court. The said judge shall at the time of his appointment or election have been a resident of said precinct 11 for at least one year, and shall at the time of his appointment or election be at least twenty-five years old. He shall hold his office for a term of four years and until his successor is elected and qualified.

Sec. 3. *Be it further enacted*, That thirty days after the passage and approval of this act there shall be appointed by the Governor a judge of said court, who shall hold office until the next general election at which justices of the peace are elected, and until his successor is elected and qualified. At such general election and every four years thereafter there shall be elected by the qualified voters of said precinct 11 of Talladega county, a judge for said inferior court of said precinct 11. Vacancies in the office of judge of said court shall be filled by appointment of the Governor whose term of office shall be the unexpired term of his predecessor and until his successor is elected and qualified.

Sec. 4. *Be it further enacted*, That the judge of said court shall receive as compensation for his services the same fees now allowed justices of the peace or may hereafter be allowed justices of the peace for services in justice court, which fees shall be taxed and collected as now or may hereafter be provided by law.

Sec. 5. *Be it further enacted*, That the constable of precinct 11, and the sheriff of Talladega county shall be deemed officers of said court and shall receive as compensation for their services rendered in and about the proceedings in said court the same fees which are now or may hereafter be by law allowed for such services in justices of the peace courts.

Sec. 6. *Be it further enacted*, That all laws affecting or regulating the practice of courts of the justices of the peace in Talladega county shall be applicable to the court hereby established.

Sec. 7. *Be it further enacted*, That all laws regulating appeals and certiorari cases from courts of the justices of the peace in Talladega county shall apply to the appeals in certiorari cases from the court established by the provisions of this act.

Sec. 8. *Be it further enacted*, That said court shall have jurisdiction in all civil cases to the amount of one hundred (\$100.00) dollars, except in cases of libel, slander, assault, and battery, and ejection, and shall have and exercise all the jurisdiction in criminal cases or offenses where the justices of the peace now have jurisdiction, and to issue all such processes, both civil and criminal as are by law now authorized to be issued by justices of the peace, or that may hereafter be by law conferred upon justices of the peace. The judge of said court, may punish for contempt the same as now or hereafter provided in justices of the peace courts.

Sec. 9. *Be it further enacted*, That ninety days after the appointment of said judge the terms of office of all of the justices of the peace and notaries public ex-officio justice of the peace in said precinct shall be abolished, and it shall be the duty of the incumbent of those offices to surrender their dockets, official papers and records of all kinds to the said judge; and all proceedings pending upon any such docket shall be carried forward by the judge of the court hereby established as if originally filed before him. All costs owing to justices of the peace whose office is hereby abolished, shall, when collected by the judge of the hereby established court, be paid over to the officers to whom the same is due.

Sec. 10. *Be it further enacted*, That the judge of said court shall before the beginning of his term execute bond in such sum and conditioned in the same manner as required of justices of the peace.

Sec. 11. *Be it further enacted*, That in the absence, disqualification, or inability of the judge of said court, he shall appoint, in writing a special judge to act for and in the place of the regular judge, which said appointment in writing shall enter upon his docket.

Sec. 12. *Be it further enacted*, That the judge of said court shall be liable to impeachment for the same causes and in the same manner as now or hereafter provided by law for justices of the peace.

Sec. 13. *Be it further enacted*, That if any section or provision of this act shall be declared to be void or unconstitutional it shall not effect or destroy the validity or constitutionality of any other section or provision therein, which is not in and of itself void or unconstitutional.

Sec. 14. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 3, 1915.

No. 372.)

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AN ACT

(H. 766—King.

To regulate the payment of claims against the fine and forfeiture fund of Morgan county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That from and after the passage and approval of this act, all persons owning outstanding claims against the fine and forfeiture fund of Morgan county, Alabama, commonly known or called witness certificates and officers script, or either, shall, within six months after the approval of this act, file the same with the county treasurer and have the same registered by him; and all claims now outstanding which are not so filed shall be forever barred. And all such claims not now outstanding but which may accrue in the future, must be filed as aforesaid, with the county treasurer and registered within six months from the time such claims become a charge against said fine and forfeiture fund, and when not so filed and registered, the same shall be forever barred.

**Sec. 2.** That all claims against the fine and forfeiture fund of Morgan county, Alabama, commonly known as witness certificates or officers script, which have been heretofore filed with the county treasurer of said county and are still outstanding and unpaid, must be re-filed with and re-registered by the county treasurer of said county within six months after the approval of this act, or the same shall be forever barred and no longer a valid or legal charge against said fund.

**Sec. 3.** That any party or parties owning or holding any registered claims against the fine and forfeiture fund of Morgan county, Alabama, may, at any time within thirty days prior to the first Mondays in January, April, July and October of each year, file with the county treasurer of said county, a bid in writing offering to release their claims, or any part thereof against said fund, upon the payment to them by the county treasurer of such sum or sums as they may be willing to accept in full satisfaction of their said claims. And upon the coming in of all such bids, the county treasurer shall preserve and file the same and not divulge to any person any of said bids.

**Sec. 4.** That on the first Mondays in January, April, July and October of each year, the county treasurer, shall, at his office in the court house of said county, and between the hours of ten A. M., and three P. M., publicly announce how much money he has in his possession belonging to said fine and forfeiture fund, and shall publicly offer to receive bids from any and all persons who may hold registered claims against said fund to release said claims upon the payment of whatever sum they may be willing to accept in full payment therefor, and said treasurer shall thereupon determine, among all the bids, both written and oral, whose bids are the lowest, and he shall proceed to pay one-half of the funds which he has on hand belonging to said fine and forfeiture fund, to the person or persons who will accept the lowest amount of its face value for any witness certificate or certificates held by such person or persons, as registered against said fund; and the remaining one-half, he shall pay to the person or persons who will accept the least amount of money on its face value for any officers script held by such person or persons as a registered claim against said fund. And in the payment of these claims, the treasurer shall continue to pay off the lowest bid offered so long as any of such funds remain in his hands. If no person offers to take less than face value for claims registered against said fund, then

the treasurer shall pay one-half of such fund as he may have in his possession respectively to the holders of those claims of witness certificates and officers script which were first filed with and registered by him as claims against said fund. Provided that there shall be no registration fee for witness tickets. Provided further that this act shall not effect witness tickets which are now on file and duly registered, but that such witness tickets shall be retired in due course as the law already provides.

Sec. 5. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed so far as they apply to the county of Morgan.

Approved September 4, 1915.

No. 373.)

(H. 747—Carmichael.

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AN ACT

To regulate the county court of Colbert county; to prescribe its jurisdiction and powers, and to provide for solicitor fees in said court; and to repeal conflicting laws.

*Be it enacted by the Legislature of Alabama:*

Section 1. That all laws of a general nature now in force, or which may hereafter be enacted, giving jurisdiction of misdemeanors to circuit courts of this State, shall be held to extend to and apply to the said county court of Colbert county; although the said county court of Colbert county may not be mentioned therein, unless the contrary be expressly provided, and unless they are contrary to the provisions of this act.

Sec. 2. That in all misdemeanor cases appealed from the county court of Colbert county to the circuit court, and in all misdemeanor cases in which the defendant demands a jury in the county court of Colbert county, and the case is sent up to the circuit court, the deputy solicitor of Colbert county shall prosecute, or assist in the prosecution, of all such cases in the circuit court, and in all such cases one-half of all fees, which may be by law, taxed as solicitor's fees in the circuit court against defendants on convictions or pleas of guilty, shall be paid to the said deputy solicitor of Colbert county by the clerk of the circuit court of said county; provided, that the total amount collected and retained by the said deputy solicitor of Colbert county shall not exceed the sum of nine hundred dollars per annum.

Sec. 3. In all cases in which a jury is demanded in the county court of Colbert county, and the case transferred to the circuit court and in all cases of conviction in the county court, from which the defendant takes an appeal to the circuit court, the judge of the said county court shall deliver the affidavit, warrant, list of witnesses for both the State and defendant, the appearance or appeal bond, if given, a statement of the cost that has accrued in the county court, and a copy of his order or judgment, to the clerk of the circuit court of Colbert county, who shall place the same on his trial docket of criminal cases, and said cases shall be tried in the circuit court of said county, without any indictment or presentment by the grand jury, and without the grand jury acting on the same; but the circuit or deputy solicitor of Colbert county shall make and sign a brief statement of the cause of complaint.

Sec. 4. That this act shall go into effect immediately after its approval by the Governor

Approved September 4, 1915.

No. 374.)

(H. 304—Stewart.

# AN ACT

To re-arrange and fix the boundary line and show the lands included in the town of Mignon, Talladega county, Alabama.

*Be it enacted by the Legislature of Alabama:*

That the limits of the town of Mignon, Talladega county, Alabama, shall embrace an area of land, as follows, to-wit: Beginning at the southeast corner of section 19, township 21, range 4 east and running south 500 feet along the section line between sections 29 and 30, thence west along a straight line parallel to the section line between sections 19 and 20 to a point on the Sylacauga and Childersburg road, thence south along said road to the southwest corner of the N. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 30, thence west to the northwest corner of the S. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 30, thence north to the northwest corner of the N. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 30, thence east to the northeast corner of the N. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of section 30, thence north to the northwest corner of the N. E.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of section 19, thence east to the northeast corner of the S. E.  $\frac{1}{4}$  of section 19, thence east 660 feet along the

quarter section line, thence south 330 feet to a point, thence east to the western boundary of the N. E.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of section 20, thence south along said boundary to a point 100 feet south of the northeast corner of the S. W.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of section 20, thence east 660 feet to a point, thence north to the section line dividing sections 29 and 20, thence south 250 feet, thence west 660 feet to a point on the east boundary of the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section 29, thence south to the southeast corner of the N. W.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of section 29, thence west to the Central of Georgia right-of-way, thence northwesterly along said right-of-way to a point where the right-of-way crosses the northern boundary line of section 29, thence west along said section line to the point of beginning. All of the above is in range 4, township 21.

Approved September 4, 1915.

No. 375.)

(H. 1240—Davie.

#### AN ACT

For the relief of W. T. Steele as treasurer of Bibb county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That W. T. Steele as treasurer of Bibb county, Alabama, be and he is hereby relieved as such treasurer from any and all liability on account of having paid out of the funds of said county the following warrants issued by the court of county commissioners of said county, viz: Warrants No. 3923 for \$136.00, No. 3924 for \$136.00, No. 3925 for \$136.00, each in favor of Miss N. Clements. Warrants No. 133 for \$93.78, No. 195 for \$58.67, No. 210 for \$40.33, each in favor of Bibb County Banking & Trust Company. Warrant No. 555 for \$102.08, in favor of W. W. Lavender, Attorney. Warrant No. 365 for \$158.00 in favor of West Blocton Savings Bank. Warrant No. 226 for \$38.25 in favor of N. E. Stewart. Warrant No. 328 for \$80.00 in favor of H. J. Ward. Such warrants having been payments of interest on money borrowed by the commissioners' court of said county for general purposes.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 4, 1915.

No. 377.)

(H. 1393—Shapiro.

## AN ACT

To abolish the office of chief supervisor of public roads and bridges of Jefferson county, Alabama; provide for the transfer of the duties of said supervisor to the board of revenue of Jefferson county; for the transfer of all property, books, papers and files of said supervisor to said board of revenue; and to repeal an act entitled "An act to provide for the creation of the office of chief supervisor of public roads and bridges in Jefferson county; to define the powers and duties thereof, manner of appointment, and to improve the system of making and constructing roads and bridges," approved February 9, 1899.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the office of chief supervisor of public roads and bridges of Jefferson county, Alabama, be, and the same is hereby, abolished.

Sec. 2. That immediately after the approval of this act the chief supervisor of public roads and bridges in Jefferson county, Alabama, shall transfer to the board of revenue of said county all of the books, papers, documents, files and property belonging or pertaining to said office of said supervisor.

Sec. 3. That all of the duties now performed or required to be performed by the chief supervisor of public roads and bridges in Jefferson county, Alabama, and all of the powers of said supervisor, be and the same are hereby conferred upon and lodged with the board of revenue of Jefferson county, Alabama.

Sec. 4. This act shall take effect upon the expiration of the term of the present incumbent of said office of supervisor.

Sec. 5. That "an act to provide for the creation of the office of chief supervisor of public roads and bridges in Jefferson county, defining the powers and duties thereof, the manner of appointment, and to improve the system of making and constructing said roads and bridges" approved February 9, 1899, be and the same is hereby repealed.

Sec. 6. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.  
Approved September 4, 1915.

No. 383.)

(H. 1391—Justice.

## AN ACT

To make an appropriation of thirty-two hundred and fifty dollars for the better equipment of the Elmore County High School, and to reimburse the local building committee of such school for moneys advanced in construction already made.



*Be it enacted by the Legislature of Alabama:*

1. That an appropriation of thirty-two hundred and fifty dollars is hereby made in order that the Elmore county high school building or buildings may be better equipped for the work required of such school, and to reimburse the local building committee of such school for moneys advanced for construction and equipment already made.

2. That the State high school commissions is authorized to expend the sum so appropriated, both for new equipment and for the reimbursement of the local building committee.

3. That the State auditor is hereby authorized and directed to draw his warrant for the above amount, either in full or in part from time to time, on the requisition of the State high school commission, accompanied by an account stated, duly sworn to as due and unpaid.

Approved September 7, 1915.

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No. 384.)

(H. 608—Chamberlain.

AN ACT

To amend section (2) of an act entitled "An act to create the office of assistant solicitor for the county of Mobile, prescribe his duties, fix his salary and provide for the method of selection for said office and the taxation as cost of solicitor fees where the said assistant solicitor prosecutes and the defendant is convicted," approved February 18, 1911.

*Be it enacted by the Legislature of Alabama:*

Section 1. That section two (2) of the act entitled, "an act to create the office of assistant solicitor for the county of Mobile, prescribe his duties, fix his salary and provide for the method of selection for said office and the taxation as a cost of solicitor fees where the said assistant solicitor prosecutes and the defendant is convicted," be amended so as to read as follows: That immediately upon the passage of this act there shall be appointed by the Governor an assistant solicitor for Mobile county, who shall be learned in the law and a resident of said county, and whose term of office shall be four years.

Sec. 2. *Be it further enacted*, That this act shall go into effect immediately upon its passage and approval.

Approval September 4, 1915.

No. 388.)

(S. 821—Faulk.

## AN ACT

To abolish the office of treasurer of Geneva county, to require the county funds to be deposited in some national or State bank, or with some individual, in the county of Geneva as the commissioners court of said county of Geneva may elect, and to provide for the custody of such funds.

*Be it enacted by the Legislature of Alabama:*

1. That the office of county treasurer of Geneva county is hereby abolished.

2. That the treasurer of the county shall make a settlement with the commissioners court of the county, and all county funds whatever remaining as a balance in his hands shall be paid to the probate judge to the credit of the county.

3. That the court of county commissioners shall give public notice, by publication in three issues of some newspaper published in the county prior to the first Monday in December each year, that sealed bids will be received from National or State banks, or from individuals, in the county of Geneva, for the custody and disbursement of the county funds for one year from the date the bids are passed upon. The court of county commissioners shall select a National or State bank, or individual as the depository for county funds, which will pay to the county the highest rate of interest on the daily balance of deposits in the hands of such depository, but the court of county commissioners shall have the discretion to select as the depository such bank or individual as will, in the opinion of the commissioners, best serve the interests of the county, and in the event it is necessary to compensate such bank or individual, in no case shall the compensation exceed four hundred dollars per annum. The bank or individual securing the contract as depository shall, before receiving any of the funds of the county, execute a bond to secure the safety thereof, and in such sum and in such guaranty company as may be directed by the court of county commissioners.

4. That all monies heretofore required by law to be paid to the treasurer of Geneva county shall be paid to the probate judge of the county, and the probate judge shall immediately deposit the same to the credit of the county in the depository selected in accordance with section three hereof; and that all money or funds whatever belonging to the county of Geneva, or in which the county is interested, shall be deposited and

kept in the depository so selected. All settlements heretofore required by law to be made with the treasurer shall be made with the probate judge, and the receipt of the bank or individual so designated as above, shall be sufficient voucher, and all sworn receipts heretofore required by law to be made by or to the treasurer shall be made to or by the probate judge.

5. That this act shall not take effect until after the expiration of the term of office of the present county treasurer of Geneva county.

6. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 6, 1915.

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No. 390.)

(H. 936—Hudson.

### AN ACT

To provide for the payment to F. E. Orum as the sole distributee of the estate of Charles Orum, deceased, out of the county treasury of Montgomery county the amount of seventy-five dollars; said amount having been heretofore paid into said treasury by Charles Orum, now deceased, as a forfeiture on the bond of William Green.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby appropriated out of the general fund of Montgomery county not otherwise appropriated the sum of seventy-five dollars, to reimburse the estate of Charles Orum, deceased, for said amount paid into the county treasury of said county by the said Charles Orum as a forfeiture on the bond of William Green.

Sec. 2. That the board of revenue of Montgomery county is hereby directed to draw a warrant on the county treasurer of said county for the sum of seventy-five dollars payable to F. E. Orum as the sole distributee of the estate of Charles Orum, deceased, and the treasurer of said county is hereby directed to pay the same.

Sec. 3. That all laws or parts of laws, general or local, in conflict with the provisions of this act be, and the same are hereby repealed.

Approved September 10, 1915.

No. 394.)

(H. 1187—Blackwell.

## AN ACT

For the relief of J. M. Burge, a Confederate soldier and a resident of Calhoun county, Alabama.

*Whereas*, J. M. Burge is a Confederate soldier and enlisted as a private in Company C, First Confederate Georgia Infantry Confederate States Army, April 10th, 1862, at Atlanta, Georgia, and was captured at Nashville, Tenn., December 16th, 1864, and was honorably discharged at Camp Douglass, Ill., June 20th, 1865.

*Whereas*, the said J. M. Burge was wounded in the service of the Confederate Cause at Chickamauga, Ga., September 19th, 1863, and the said J. M. Burge is a true and loyal Confederate soldier and is now permanently disabled and whereas, the said J. M. Burge was regularly on the pension rolls up to and including the year 1904 but was erroneously or improperly dropped from the rolls and is entitled to \$288.84.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the said J. M. Burge be restored to the pension rolls and that the State auditor be and is hereby required to draw his warrant on the treasurer of Alabama for the sum of \$288.84, to be paid by the State treasurer out of any funds in the treasury not otherwise appropriated.

Approved September 10, 1915.

No. 395.)

(H. 864—Hardage.

## AN ACT

To make mandatory the working of the male county convicts of Covington county on the public roads, bridges and public works of said county, and providing therefor.

*Be it enacted by the Legislature of Alabama:*

1. That the male county convicts of Covington county shall, and they are hereby required to perform hard labor for Covington county upon the public roads, bridges and public works of said county, in the manner and under the rules and regulations as is provided for by the general laws of this State, from and after this act becomes effective, and it is hereby made the duty of the board of revenue or court of county commissioners for said county to make and direct all the necessary or-

ders to that end instanter, and to put into effect this act without delay; all laws and parts of laws in conflict herewith being expressly repealed.

Approved September 10, 1915.

No. 396.)

(H. 1447—Bealle.

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AN ACT

To amend an act to establish the Warrior agricultural district in Tuscaloosa county, to provide for the securing of the same and the management of its affairs and to levy taxes for maintaining the same, approved March 5th, 1901."

*Be it enacted by the Legislature of Alabama:*

That "an act to establish the Warrior Agricultural District in Tuscaloosa county, to provide for the securing of the same, and the management of its affairs and to levy taxes for maintaining the same," approved March 5th, 1901 be amended as follows:

Section 1. *Be it enacted*, That section 11 of said act be and the same is hereby repealed and for and in place of said section 11 of said act there is hereby substituted the following section to be numbered section 11, so as to make section 11 of said act read as follows: Sec. 11. *Be it further enacted* that this act shall be operative and in full force and effect from and after the passage of the same and its approval by the Governor, and that on and after the first day of October, 1915, it shall not be necessary for any fence or other structure to be erected or maintained on the boundaries of the said Warrior Agricultural District, and that on and after the said first day of October, 1915, any and all live stock trespassing, ranging, going or being on lands within the boundaries of said Warrior Agricultural District owned, occupied, tenanted or controlled by any person or persons, firm or corporation other than the owner of said live stock shall be subject to be impounded as provided in section 6 of said act without reference to where or by whom such live stock is, are, or may be owned, held, or kept, and without reference to when, how or where said live stock may have entered said district, and any and all live stock, wherever or by whomsoever kept or owned shall on and after the first day of October, 1915, be subject to all of the provisions of said act, irrespective of whether or not said district is enclosed by a fence and irrespective of the condition of such fence, if any.

Sec. 2. *Be it further enacted*, That, except as hereinbefore amended, said act of March 5th, 1901, be and the same is, in all of its parts and provisions re-enacted and continued in full force.

Approved September 10, 1915.

No. 399.)

(H. 1349—Pruett.

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AN ACT

For the relief of S. Y. Lamberth, former clerk of the circuit and county courts of Clay. Whereas, S. Y. Lamberth, as clerk of the circuit and county courts of Clay, while acting as such clerk, and in his official capacity, received and paid out about \$160.00; and, whereas, it has been found out technically that the said Lamberth had no right to pay out said money; and, whereas, judgment has been rendered in the city court of Montgomery against the said Lamberth and his bondsmen for said money; and, whereas, the said money was paid the witnesses attending the court in said county, and the said Lamberth received no benefit therefrom, therefore:

*Be it enacted by the Legislature of Alabama:*

Section One. That the said Lamberth, be and he is hereby relieved from the payment of the judgment heretofore rendered against him and his bondsmen in the city court of Montgomery, for said sum as said judgment was rendered for, and that said judgment be, and the same is hereby rendered null and void against the said Lamberth, and against his bondsmen, and that he be, and he is forever relieved from all liability in regard to the matters adjudicated in said judgment of the city court of Montgomery.

Sec. Two. *Be it further enacted*, That the clerk of the city court of Montgomery, be, and he is hereby directed to enter upon the records of said judgment its full satisfaction, and that he be further directed to recall any execution that may have been issued for the purpose of collecting said judgment.

Became a law under section 125 of the Constitution.

No. 405.)

(H. 1501—Justice.

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AN ACT

To amend section 1, 2 and 4, of an act, entitled "An act to require the commissioners court of Elmore county, Alabama, to publish the minutes of its proceedings at regular, special and adjourned terms, in the newspaper printed and published in said county, having the largest number of bona fide subscribers; to require said court to designate such newspaper; to provide for the furnishing of copy to the publisher of such newspaper for publication, and to provide compensation out of the

treasury of said county for furnishing such copy, and for publishing the same," approved February 9th, 1911.

*Be it enacted by the Legislature of Alabama:*

That sections 1, 2 and 4 of an act entitled "an act, to require the commissioners court of Elmore county, Alabama, to publish the minutes of its proceedings at regular, special and adjourned terms, in the newspaper printed and published in said county, having the largest number of bona fide subscribers; to require said court to designate such newspaper; to provide for the furnishing of copy to the publisher of such newspaper, for publication, and to provide compensation out of the treasury of said county, for furnishing such copy, and for publishing same," approved February 9th, 1911, be amended so as to read as follows:

Section 1. That from and after the approval of this act, the commissioners court of Elmore county, be required to publish the minutes of its proceedings at each regular revenue, special and adjourned term in some newspaper printed and published in said county, said newspaper to be designated by the probate judge and the commissioners court.

Sec. 2. That said act be amended by striking out section 2.

Sec. 4. That the publisher of said newspaper shall present an itemized sworn statement to the court of county commissioners for the publication of such notice, and the same shall be ordered paid, and paid, as other claims against the county, but, in no case, shall said commissioners court pay for such publication at a rate exceeding fifty cents per one hundred words for said publication. The commissioners court shall allow pay to the probate judge, or the clerk of such court, for furnishing such copy, at the rate of fifteen cents per one hundred words, out of any funds in the county treasury.

Approved September 10, 1915.

No. 408.)

(H. 1401—Chamberlain.

AN ACT

To regulate the practice and procedure in courts of justices of the peace in Mobile county, and on appeal and certiorari therefrom.

*Be it enacted by the Legislature of Alabama:*

Section 1. That if suit is brought in the court of a justice of the peace in Mobile county contrary to the provisions of section 4648 of the Code of Alabama, any judgment against

the defendant or the garnishee therein shall be null and void; and in any proceeding in which the validity of such judgment may be involved, the burden shall be upon the person asserting such validity.

Sec. 2. That before instituting suit in the court of a justice of the peace in Mobile county requiring personal service on the defendant, the plaintiff or his attorney shall make affidavit, before such justice of the peace, of facts showing that such suit is authorized by law; and without such affidavit, all proceedings in such suit shall be null and void.

Sec. 3. That any person who makes the affidavit provided for in section 2 of this act, knowingly and falsely, shall be guilty of a misdemeanor.

Sec. 4. That any justice of the peace who knowingly permits the affidavit provided for in section 2 of this act to be falsely made, shall be guilty of a misdemeanor.

Sec. 5. That any agreement permitting the bringing of a suit in a court of a justice of the peace of Mobile county in any precinct other than that in which such suit may be authorized by law to be brought, shall, if made before the institution of such suit, be null and void.

Sec. 6. That any defendant against whom a judgment has been rendered in the court of a justice of the peace in Mobile county, who makes affidavit that no service of summons has been had upon him, or that the suit was instituted contrary to section 4648 of the Code of Alabama, or that he has a meritorious defense to such suit, setting out the material facts of such defense, and also states in such affidavit that he has made a diligent effort to obtain sureties on an appeal or certiorari bond, as the case may be, but has been unable to so do, may appeal from such judgment or apply for a certiorari without bond. When an appeal is taken the affidavit shall be filed in the court of the justice of the peace, and when a writ of certiorari is applied for, such affidavit must be filed with the petition therefor.

Sec. 7. That any person who makes the affidavit provided for in section 6 of this act, knowingly and falsely, shall be guilty of a misdemeanor.

Sec. 8. That in cases brought by appeal or certiorari from judgments of justices of the peace of Mobile county, the defendant may interpose any defence to the jurisdiction of the court in which such judgment was rendered which he could have interposed in such court.



Sec. 9. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Sec. 10. That this act shall take effect upon its approval.

Approved September 10, 1915.

No. 409.)

(H. 720—John.

### AN ACT

To require the county superintendent of education of Jefferson county to appoint a man living in T. 17, S. of R. 5 W. to take charge of section sixteen in T. 17 S. of R. 5, W. of the Huntsville meridian, lying in Jefferson county, Alabama, as trustee, and collect the rents and royalty thereof as they accrue; to file a bill as trustee as complainant, in the equity side of the circuit court of Jefferson county, Alabama, against the lessee, or lessees thereof, and Ira Van Salter, former trustee, for direction of the court in the management of the trust estate and to settle with the former trustee, and make new leases of the property when necessary, and take the management of the trust estate as long as it is in existence.

#### *Be it enacted by the Legislature of Alabama:*

1. That the superintendent of education for Jefferson county, Alabama, shall immediately upon the approval of this act appoint a man living in township 17, S. of R. 5 W. the trustee of the sixteenth section in T. 17 S. of R. 5, W. of the Huntsville Meridian, lying in Jefferson county, Ala., who shall forthwith file his bill in the equity side of the circuit court of Jefferson county against the former trustee and the lessees claiming possession thereof, praying the court to take jurisdiction of the trust estate and direct and instruct him in the management of the trust estate and the proper care of it; and to require the former trustee, Ira Van Salter, to account in that court, for all his acts, doings and transactions as trustee, and for rents and royalty he may have received, or collected of and from the lessees of that section.

2. He shall also make the lessee a party defendant to the bill and require it to account for its treatment of the property, and of all coal mined out of the property, and to account for all damage, or injury of every kind it may have done to the property, or by its negligence has been done to the property in any manner, and to any extent, and, if necessary, construe the lease contract under which the lessee is working and whenever the lessee violates the lease or injures the property, to declare the lease forfeited, and take possession of the leased property.

3. Upon the filing of the bill required herein, the court shall take jurisdiction thereof and of the continuing trust, and shall require the trustee to account in the court at stated intervals, and shall whenever necessary authorize him to employ an expert mining engineer, of experience, or a practical miner of good character and experience, to examine the mine, or mines and report to the court how the working thereof is being conducted, and the court must require the lessee to so operate the mine or mines, as not to injure the property, but to yield the best income compatible with the preservation of the property for future use.

4. In stating the account with Ira Van Salter, for his acts as trustee, he must be allowed fair and reasonable compensation for himself and any attorneys he may have employed to counsel and advise him, as such trustee, and for all such sums as he may have paid out under order of the court, and for lots, school houses, and equipment, and he shall be allowed to retain whatever may be justly due him on such accounting after he has paid whatever sum the court allows for compensation of his attorneys and for court costs of any suit he may have filed under advice of counsel in which he sought to collect and did collect any rent, or royalty from the lessee of the sixteenth section, and for advertising this bill before its introduction.

5. The court shall not allow the lessee to sell, or transfer the unexpired term of the lease, without having settled in full with the trustee, and only when the transferee, or vendee, of the lease shows to the court that he has the ability and knowledge and experience to properly work the mine, or mines, and comes in and makes himself a party defendant to the cause and submits to the jurisdiction of the circuit court.

6. The circuit court shall retain the cause in court so long as the trust estate exists and shall see that it is so managed as to yield the best income it is capable of, for the longest period of time, and shall require the amounts received from royalty on coal mined to be paid into the State treasury and placed to the credit of the sixteenth section fund of township 17, S. of R. 5, W. in Jefferson county, that the interest accruing thereon from the State may be applied to maintaining public schools in that township for the benefit of the inhabitants thereof, and the rents of the surface to building, equipping and maintaining school houses and in paying teachers, after all costs, fees and allowances have been paid.

7. The trustee shall not employ an attorney without the permission of the court, and the court must not allow an attorney to be employed, unless it is absolutely necessary, and shall have the attorney agree in writing as to his compensation, before he is employed, and this agreement shall be filed in court with the other papers concerning the administration of the trust estate.

8. When the present lease expires, or is terminated in any manner, the trustee shall under the directions of the court and with its approval make a new lease, but not for more than twenty years. There shall not be a final settlement with the present lessee until the mines and all of the property on the sixteenth section shall have been carefully examined by a competent, experienced, practical miner, or mining engineer, and the condition reported to the court. If this report shows any injury or damage done to the property by improper mining, or neglect, or from any cause which could have been avoided, or prevented by due diligence by the lessee, he, or they, shall be required to account in the circuit court with the trustee for the full value thereof and judgment rendered against the lessee, in favor of the trustee, and when collected must be paid into the State treasury, after deducting the necessary expenses of examining the mine and collecting the damage, to the credit of the sixteenth section fund, of T. 17, S. of R. 5 W. of the Huntsville Meridian.

9. Before entering upon the duties of trustee as prescribed herein, the trustee must give bond with some guaranty company as surety thereon in such sum as may be prescribed by the circuit court, not less than five thousand dollars, with condition that he will faithfully discharge all the duties of trustee, obey all orders of the circuit court, and truly account for all money he may receive as such trustee, and pay it out as directed by the court.

10. The trustee may receive as compensation two per cent of all money received by him and two per cent for paying it out, and shall not be allowed anything for any supposed extraordinary services, unless the court orders him to perform them and fixes the compensation before the services are rendered.

11. No man shall be appointed trustee under this act till his appointment is approved and confirmed by the circuit court by order entered on the minutes of the court.

12. In the event no suitable man living in that township is willing to accept the office of trustee and perform the duties

required of him hereby, the court must appoint the county superintendent of education of Jefferson county, Alabama, as trustee and require him to perform all the duties of trustee herein prescribed, and upon the expiration of his term of office his successor shall be appointed trustee.

13. The premium paid by the trustee to a guaranty company to become surety on the bond of the trustee may be paid out of the rent of the surface, and no costs, attorney's fees, allowances, or other charges, shall be paid out of the royalty paid for mining coal out of the sixteenth section described herein.

Approved September 10, 1915.

No. 415.)

(H. 417—Scott.

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AN ACT

To establish an inferior court in precinct 29, in Jefferson county, Alabama, in lieu of all justices of the peace and notaries public with powers of justice of the peace in said precinct and to define the jurisdiction and powers of said court and the judge thereof.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby established an inferior court in precinct 29, of Jefferson county, Alabama, which shall be known and designated as the inferior court of precinct 29. The said court shall have all the powers and jurisdiction now conferred by law on justices of the peace of said precinct or that may hereafter be conferred by law on the justices, or on said court and the judge of said court shall have and exercise all the powers and authority and perform all the duties now prescribed by law, or that may hereafter be provided by law, for justices of the peace in said precinct. "Provided, however, that the court hereby created shall continue and exist only until the first Monday after the second Tuesday in January, 1917, and shall have the jurisdiction hereby conferred only until said date."

Sec. 2. "That there shall be a judge of said court, who shall be a qualified elector of said precinct; that he shall hold office only until the first Monday after the second Tuesday in January, 1917. The first judge of said court shall be appointed by the Governor, and such appointee shall hold office only until the first Monday after the second Tuesday in January, 1917; and all vacancies in the office of judge of said court shall be filled by appointment of the Governor."

Sec. 3. *Be it further enacted*, That the judge of said court shall receive a salary of twelve hundred dollars (\$1200) per annum, payable monthly out of the county treasury upon his warrant drawn upon the county treasurer. "Provided, however, that said judge shall not receive compensation after the first Monday after the second Tuesday in January, 1917."

Sec. 4. *Be it further enacted*, That the judge of said court shall appoint a clerk thereof, who shall give bond in the penal sum of one thousand dollars (\$1,000), payable to the county of Jefferson and conditioned to faithfully discharge the duties of his office of which said bond shall be approved by and filed in the office of the judge of probate of said county, and also conditioned to pay over all money to the proper officers and persons to whom it is payable, and to faithfully account for all money coming into his hands by virtue of his office, said clerk shall receive a salary of nine hundred dollars (\$900) per annum, payable out of the county treasury in monthly installments upon his warrant drawn upon the county treasurer. The clerk of said court shall issue all processes issuing out of said court except warrants of arrest and writs of commitment, which shall be issued by the judge of said court. And he shall keep a docket of the proceedings of the court, and shall certify all appeals and certioraris, but all judgments and orders shall be signed by the judge. The fees and costs that are now allowed by law to justice of the peace in said precinct shall be taxed and collected as now provided by law in each case, and shall by the clerk of said court be paid into the county treasury. The constables of said precinct and the sheriff of said county shall be officers of said court and shall execute all processes from said court and make due return thereof, and for their compensation shall receive the same fees and emoluments as are now provided by law for like services in the courts of justice of the peace in said precinct, which said fees shall be paid to the sheriff and constables as now provided by law.

Sec. 5. *Be it further enacted*, That the judge of said court may punish for contempt in cases where the judge of the circuit court can punish for contempt, by a fine not exceeding fifty dollars, and by imprisonment not exceeding five days. The said judge shall be a conservator of the peace and shall have powers to sit as a committing magistrate in the same cases as are now provided by law for justices of the peace in said precinct, and may take affidavits and issue warrants in felony cases returnable before himself or other magistrates having ju-

risdiction thereof, and may also take affidavits and issue warrants for misdemeanors directly returnable to any court having final jurisdiction thereof.

vits and issue warrants for misdemeanors directly returnable to any court having final jurisdiction thereof.

Sec. 6. *Be it further enacted*, That the law regulating appeals and certioraris of cases from courts of justices of the peace shall apply to the appeals and certiorari cases from the court established by the provisions of this act.

Sec. 7. *Be it further enacted*, That said court shall have jurisdiction in all civil cases to the amount of one hundred dollars (\$100) except in cases of libel, slander, assault and battery, and ejectment, within said precinct, concurrently with the justices of the peace and notaries public exercising the powers of justice of the peace, until the terms of office of said justices of the peace and notaries public with the power of justice of the peace, shall expire, and said court shall have from and after the approval of this act, exclusive jurisdiction of all criminal cases of which justices of the peace now have final jurisdiction, and exclusive jurisdiction to issue writs of attachment, garnishment, and detinue as against justices of the peace and notaries public with the power of justice of the peace in said precinct, and notaries public ex-officio justice of the peace exercising jurisdiction in the ward or wards in the city of Birmingham lying within, or partly within, said precinct. In all cases pending in courts of justices of the peace and notaries public exercising the power of justice of the peace in said precinct wherein process of attachment, garnishment, or detinue is pending or shall be hereafter required and all criminal cases pending therein shall be forthwith transferred to the court established by the provisions of this act, and said court shall proceed with said cause in all respects as though they had been originally instituted in said court. At the expiration of the terms of office of justices of the peace and notaries public, with powers of justice of the peace within said precinct, there shall henceforth be no justices of the peace or notaries public with powers of justice of the peace, elected or appointed for said precinct.

Sec. 8. *Be it further enacted*, That the judge of said court shall be liable to impeachment for the same causes and in the same manner as now provided by law for justices of the peace.

Sec. 9. *Be it further enacted*, That the judge of said court shall have power to issue a restraining order to any justice of

the peace, of said county, or notary public with powers of justice of the peace of said county, who assumes to exercise any of the exclusive jurisdiction of said court and such justice of the peace exercising, or attempting to exercise, such jurisdiction, may be required to show cause before the judge of said court why he should not be punished for contempt, for disobedience to such restraining order.

Sec. 10. That upon the expiration of the terms of office of the judge and clerk of the court hereby created, and of each of the justices of the peace and notaries public ex-officio justices of the peace in said precinct 29, the dockets, official papers and records of all kinds of their respective offices shall be delivered to the clerk of the inferior court, created in lieu of justices of the peace and notaries public ex-officio justices of the peace, which shall then have jurisdiction in and over said precinct 29, and all causes pending in said courts shall by operation of law be transferred to said inferior court, created in lieu of justices of the peace and notaries public ex-officio justices of the peace, which shall then have jurisdiction in and over said precinct 29, and executions and other process for the collection of the judgments of said courts shall be issued from said inferior court to which said causes are transferred, including executions for costs; and upon collection of costs accrued in any cause before said transfer the clerk of said inferior court to which said cause shall be transferred shall pay said costs to the officers or other persons entitled to same, and shall take a receipt therefor, which shall be entered on the docket of said cause.

Sec. 11. *Be it further enacted*, That it shall be the duty of the auditor of Jefferson county to audit the accounts of the clerk of said inferior court, and the clerk shall keep a fee docket containing an itemized statement of all costs taxed in each cause, the cost collected, and within ninety days after any final judgment in any cause, an entry showing substantially the return of the constable or sheriff of the execution, or other process for the collection of said judgment or cost, and on the first days of January, April, July and October of each year, shall file with the auditor of Jefferson county, a statement from said docket showing the amount of costs collected and in what causes, together with the substance of the return of the constable, or sheriff of the process for its collection.

Sec. 12. *Be it further enacted*, That it shall be the duty of the clerk of said court to issue an execution on all judgments

rendered in said court, five days from the entry thereof, and to place the same in the hands of the constable or sheriff, who shall return said execution within sixty days thereafter, said return to show that he has collected said judgment, and has paid the same or the amount collected, or that he is unable to find property of the person against whom said process issued, out of which said execution can be satisfied in whole or in part.

Sec. 13. *Be it further enacted*, That if it shall appear to the auditor, that in any case in said court where an execution has been returned unsatisfied as to the cost of said cause, and in the opinion of the auditor, said costs can be collected by an alias execution, the auditor may direct the clerk of the court to issue such alias execution and may direct the constable or sheriff as to what property can be levied upon to satisfy said judgment.

Sec. 14. *Be it further enacted*, That in each case filed in said court there shall be a fee of fifty cents taxed, which shall be taxed and collected as other costs are collected, and shall be with other costs paid into the county treasury.

Sec. 15. *Be it further enacted*, That it shall be the duty of the board of revenue of Jefferson county to provide a suitable court room to hold said court, and also to provide all necessary dockets, books and other supplies necessary for the use of said court, and shall provide for the payment of the rent of court rooms, in case same are rented, and other incidental expenses.

Sec. 16. *Be it further enacted*, That in the absence, disqualification, or inability of the judge of said court, he shall appoint in writing a special judge, who shall have full power to act for and in place of the regular judge.

Sec. 17. *Be it further enacted*, That all laws affecting or regulating the practice of justices of the peace shall be applicable to the court hereby established.

Sec. 18. *Be it further enacted*, That all laws, parts of laws, general, local or special, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved September 10, 1915.



No. 416.)

(H. 1502—Justice.

## AN ACT

To amend sections one, two and four of an act, entitled "An act to require the board of education of Elmore county, Alabama, to publish the minutes of its proceedings, at each regular, special and adjourned term, in some newspaper published in Elmore county; to require the commissioners court and probate judge to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication; and to provide compensation out of the county treasury of said county for furnishing said copy, and publishing same," approved February 9, 1911.

*Be it enacted by the Legislature of Alabama:*

That sections one, two and four, of an act entitled "an act to require the board of education of Elmore county, Alabama, to publish the minutes of its proceedings, at each regular, special and adjourned term in some newspaper published in Elmore county; to require the probate judge and commissioners court to designate such newspaper; to provide for furnishing copy to the publisher of such newspaper for publication, and to provide compensation out of the treasury of said county for furnishing said copy," approved February 11, 1911, be, and the same is hereby amended, so as to read as follows: Section 1. That from and after the approval of this act, the board of education of Elmore county, Alabama, be required to publish the minutes of its proceedings at each regular, special and adjourned term in a newspaper printed and published in said county, said newspaper to be designated by the probate judge and commissioners court.

Sec. 2. That at its first regular meeting after the approval of this act, and at its first regular meeting in each year, thereafter, the said probate judge and commissioners court shall designate a newspaper as the one in which such publication shall be made.

Sec. 4. That the publisher of such newspaper shall present an itemized, sworn statement to the court of county commissioners for the publication of such notice, and the same shall be ordered paid, and paid, as other claims against the county, but in no case shall said commissioners court pay for such publication at a rate exceeding fifty cents per one hundred words. The commissioners court shall allow pay to the probate judge or the clerk of such court, for furnishing copy, at the rate of fifteen cents per one hundred words, out of any fund in the county treasury.

Approved September 10, 1915.

No. 422.)

(H. 1335—Smith of Crenshaw.

## AN ACT

For the relief of Horace Hood and to authorize the commissioners court of Crenshaw county to pay warrant No. 2139 issued at the August term 1910 of said for capturing one Will Stevenson, said warrant being registered by county treasurer of said county on August 12, 1910, and bearing registered number 475.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the county treasurer of Crenshaw county, Alabama, be and is hereby directed to pay to Horace Hood out of any funds of the county the sum of thirty-three dollars and fifty-five cents for warrant No. 2139 issued by the commissioners court of said county at the August term 1910 for capturing one Will Stevenson, said warrant being registered by the county treasurer of said county on August 12, 1910, and bearing registered number 475, to be paid by said county treasurer of said county to Horace Hood upon his executing a receipt therefor.

Sec. 2. That the receipt executed to such county treasurer for such sum of thirty-three dollars and fifty-five cents by said Horace Hood shall be a legal and proper voucher and receipt to such county treasurer for such disbursement to be allowed to such treasurer on any settlement made by him as such treasurer.

Approved September 10, 1915.

No. 423.)

(H. 1314—Roberson.

## AN ACT

To change and define the boundary line of St. Clair county, Alabama, between said county and the county of Jefferson.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the boundary line between St. Clair county, Alabama, and the county of Jefferson be and the same is hereby changed, defined, fixed and established as follows: Begin at the southwest corner of the southeast quarter of section 31, township 14 south of range 1 east, Huntsville Meridian, which point is common to the counties of Blount, St. Clair and Jefferson; thence east two miles along the south boundary of

said township 14, south to the northeast corner of the northwest quarter of section 4, township 15 south of range 1 east, thence south two miles to the southwest corner of the southeast quarter of section 9 in said township and range; thence east one-half mile to the northwest corner of section 15 in said township and range; thence south seven miles to the northeast corner of section 21, township 16 south of range 1 east; thence west two miles to the northwest corner of section 20, in said township and range; thence south four miles to the southwest corner of section 5, township 17, south of range 1 east; thence east three miles to the southeast corner of section 3 in said township and range; thence south two miles to the southeast corner of section 15 in said township and range; which last named point is common to the counties of St. Clair, Shelby and Jefferson.

Sec. 2. That all territory and land east and north of said above described line, or on the opposite side thereof from the county of Jefferson and within the boundaries of St. Clair county, be and are hereby made a part of the county of St. Clair.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 10, 1915.

No. 425.)

(H. 1135—Grayson.

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AN ACT

To amend the game laws of the State of Alabama in so far as they apply to the county of Mobile, State of Alabama.

*Be it enacted by the Legislature of Alabama:*

Section First. No person or persons shall, in the county of Mobile, injure, kill or hunt or destroy by any means whatsoever or have or be in possession of the following game birds except between the following dates: Wild turkey gobblers December 1st to April 1st, following. Quail (bob-white partidge) from October 1st to March 1st, following. Doves from October 1st to March 1st, following. Swan, geese, brant, ducks, rails, coots, mud hens, sand-pipers, woodcock and curlews, or other shore birds, November 1st to March 1st, following. Snipe and plover November 1st to May 1st, following. Any person who violates any of the provisions of this section shall be deem-

ed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars for each offense.

Sec. Two. Any person who shall, in the county of Mobile, kill or attempt to kill any doe or female deer or wild turkey hen, or who shall kill any deer between February 1st and November 1st, in each calendar year, or who shall use any artificial light in hunting or killing deer shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars nor more than fifty dollars, and having such light on the head or any part of the body while hunting, shall be prima facie evidence of the violation of the last subdivision of this section.

Sec. Three. Any person who shall in the county of Mobile, at any time make use of any pitfall, deadfall, scaffold, cage, snare, trap, trapnet, salt lick pan, baited hook, or baited field, or any other similar device or any drug, poison, chemical or explosives for the purpose of injuring, capturing or killing any birds or animals protected by the game laws of the State of Alabama, except as otherwise expressly provided by law shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than five dollars nor more than twenty-five dollars for each offense.

Sec. Four. Any person who shall in the county of Mobile, pursue, kill or injure or destroy or capture in any way or have in his possession any fox squirrel, black squirrel, grey squirrel except from November 1st to the following March 1st of each year when they may be killed, or who shall pursue, injure capture or destroy any such squirrel at any time in any public or private park shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five dollars nor more than twenty-five dollars; that any person may protect his premises from the ravages and depredations of this animal at any time or in any way.

Sec. Five. Any person who in the county of Mobile, hunts on the lands of another without first having obtained from the owner or agent thereof a written permission so to do, shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than twenty-five dollars provided however, that no arrests shall be made or warrant obtained or prosecution had, under this section unless the written consent to the same shall be first obtained from the owner or agent in charge of said land which written consent must be filed in the court

in which proceedings are to be held at or prior to the arrests, or the commencement of the prosecution.

Sec. Six. That all laws or parts of laws general or special contrary to the provisions of this act be and the same are hereby repealed.

Approved September 10, 1915.

No. 426.)

(S. 767—Hall.

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AN ACT

To abolish the highway commission of Houston county, Alabama, and to repeal the act of creating same.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the highway commission, as created and established for Houston county, Alabama, by an act of the Legislature of 1911, page 203, be and the said highway commission is hereby abolished; and the said act creating said highway commission is hereby repealed.

Approved September 15, 1915.

No. 427.)

(S. 658—Wallace.

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AN ACT

To repeal an act entitled an act "To amend section 1 of an act to incorporate the town of Clanton, in the county of Chilton, State of Alabama, and to repeal all former charters of said town, approved February 12th, 1897."

*Be it enacted by the Legislature of Alabama:*

That an act entitled an act, "to amend section 1 of an act to incorporate the town of Clanton, in the county of Chilton, State of Alabama, and to repeal all former charters for said town" which said act was approved March 5, 1901, be, and the same is hereby repealed so far as said amendatory act, excludes the following lands from the corporate limits of said town of Clanton, to-wit: The south half of the northeast quarter of section two, township twenty-one, range fourteen, and that strip of land one acre wide on the east side of the north half of the northeast quarter of the northwest quarter of section two, township twenty-one, range fourteen, and that strip of land on the west side of the Clanton and Kincheon or Camp

Ground road adjoining the above described lands, the whole being the farm of J. W. Edwards.

Approved September 10, 1915.

No. 428.)

(S. 747—Key.

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AN ACT

To provide for the payment of all fines and forfeitures of Franklin county, in money, only; and to regulate the registration and payment of all claims, which are by law payable out of said fund in said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That all fines and forfeitures of every kind and character, which are now, or may hereafter become, payable into the county treasury of Franklin county, and which as matter of law, constitutes, or may hereafter constitute the fine and forfeiture fund of said county, shall be payable in money, only.

Sec. 2. *Be it further enacted*, That all claims for fees and costs heretofore accrued or which may hereafter accrue, in favor of any sheriff or clerk of the circuit court of said county, when the same are by law payable out of the fine and forfeiture fund of said county, and which have been registered as the law provides, or which may hereafter be so registered, shall be paid out of said fund in the order of their registration in the same manner as claims in favor of State witnesses.

Sec. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 10, 1915.

No. 432.)

(S. 830—Wallace.

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AN ACT

To relieve Frank Miller from all liability for and on account of receiving money to the amount of two hundred and thirty and 50/100 (\$230.50) dollars, from the funds of Shelby county, Alabama, during the years 1911 and 1912, for his services as acting as superintendent or supervisor of public roads in his district while a member of the board of revenue of Shelby county, Alabama, for which suit is now pending in the circuit court of Shelby county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section One. That Frank Miller be and he is hereby relieved of and from all liability for and on account of receiving

or collecting the sum of two hundred, thirty and 50/100 (\$230.50) dollars out of the funds of Shelby county for the service of said Frank Miller as road supervisor of the public roads in the district in which he resides, to-wit: District number three of Shelby county, while a member of the board of revenue of Shelby county, Alabama, which said money was paid to the said Frank Miller for said services as road supervisor in his district, by the treasurer of Shelby county, for which sums of money suit is now pending against the said Frank Miller in the circuit court of Shelby county, Alabama.

Became a law under section 125 of the Constitution.

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No. 433.)

(S. 786—Wallace.

### AN ACT

To relieve J. R. Allan from liability for and on account of receiving money from the funds of Shelby county, on the following warrant, which was issued by the board of revenue of said county for his services as ex-officio fees as sheriff of Shelby county, Alabama, on January 9th, 1912, to-wit: Warrant No. 374, for \$300.00.

#### *Be it enacted by the Legislature of Alabama:*

That J. R. Allan be and hereby is relieved of and from all liability for and on account of receiving or collecting the following warrant out of the funds of said Shelby county, for the services of said J. R. Allan as ex-officio fees as sheriff of said county for the last half year of 1911, which said warrant was issued to said J. R. Allan by the board of revenue of Shelby county on the 9th day of January, 1912, for ex-officio services for said last half-year 1911, which said warrant is in words and figures as follows, to-wit: The State of Alabama, Shelby county, board of revenue, \$300.00, No. 374, Columbiana, Ala. Treasurer of said county. Pay to J. R. Allan or order, three hundred and 00/100 dollars, ex-off fees as sheriff. Out of moneys in the treasury not otherwise appropriated. Claim allowed by board of revenue on January 9th day of term 1912. Allowed and warrant ordered by board of revenue. J. T. Leeper, president board of revenue.

Became a law under section 125 of the Constitution

No. 434.)

(S. 801—Arrington.

## AN ACT

To amend section 4 of an act to provide for holding separate terms of the circuit court for Coffee county in the twelfth judicial circuit, at Enterprise, for the following portions of Coffee county, to-wit: Township 3, range 22, township 4, range 22, township 5, range 22, township 8, range 21, township 4, range 21, the east one-half of township 3, range 20, the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22, township 7, range 22, township 5, range 21, township 6, range 21, lying south of Pea River, and to regulate the holding of such court, to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba in said county of Coffee, defining the powers of the judge and clerk thereof, and regulating the drawing of its grand and petit jurors and providing for the transfer of causes from the circuit court held at Elba to said court held at Enterprise, and from the latter to the former approved, February, 28, 1907.

*Be it enacted by the Legislature of Alabama:*

Section 1. That section 4 of an act to provide for holding separate terms of the circuit court for Coffee county in the twelfth judicial circuit, at Enterprise, for the following portions of Coffee county, to-wit: Township 3, range 22, township 4, range 22, township 5, range 22, township 3, range 21, township 4, range 21, the east one-half of township 3, range 20, the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22, township 7, range 22, township 5, range 21, township 6, range 21, lying south of Pea river, and to regulate the holding of such court to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba, in said county of Coffee, defining the powers of the judge and clerk thereof, and regulating the drawing of its grand and petit jurors and providing for the transfer of causes from the circuit court held at Elba, to said court held at Enterprise, and from the latter to the former, approved February 28, 1907. Be amended to read as follows:

Sec. 4. *Be it further enacted*, That the court of county commissioners of Coffee county, shall, at the expense of Coffee county, purchase a lot, and erect a suitable building in the town of Enterprise of said county, not to cost less than \$20,000.00 in which to hold the terms of said circuit court at Enterprise, and for the use of the officers thereof. Provided that said court building shall not exceed the cost of \$20,000.00



Sec. 2. *Be it further enacted*, That this act shall not go into effect until two years after its passage and approval.

Approved September 10, 1915.

No. 437.)

(S. 806—Winkler.

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AN ACT

To require the court of county commissioners of Butler county to publish monthly in a newspaper published in said county a statement showing the receipts and expenditures of money for said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Butler county shall, during the first week of each month during the year, publish a statement showing the receipts and expenditures of money for said court for the preceding month, specifying particularly the sources from which received and the purposes for which expended, with names of persons paid, the publication to be in a newspaper published in said county. Provided that the amounts paid jurors shall not be itemized further than the total amount for each term of court and that the amount paid witnesses shall not be itemized further than to state the amount for each term of court, and provided, also, that the costs of publishing the statement herein specified shall not exceed the sum of six dollars (\$6.00) for each time the monthly statement is published.

Sec. 2. *Be it further enacted*, That for the failure to comply with the provisions of this act each member of said commissioners court is guilty of a misdemeanor and must, on conviction, be fined not less than fifty dollars (\$50.00) for each offense.

Sec. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are repealed.

Approved September 10, 1915.

No. 439.)

(S. 733—Hartwell.

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AN ACT

To authorize and require the board of revenue and road commissioners of Mobile county to order an election to determine whether or not Mobile county should issue bonds for the construction of public school houses and buildings appurtenant thereto, within the county of Mobile but without the corporate limits of the city of Mobile; to provide for the holding of such election and declaring the result thereof; and to provide for the issue of such bonds and for the disposition and administration of the fund procured by the sale of such bonds.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the board of revenue and road commissioners of Mobile county is hereby authorized, empowered and required to order an election to be held in Mobile county, Alabama, to decide whether or not the bonds of county shall be issued to the extent of one hundred and fifty thousand dollars for the purpose of erecting, constructing and equipping public school houses and buildings appurtenant thereto, within the county of Mobile, but without the corporate limits of the city of Mobile.

Sec. 2. That such election shall be ordered at such time as shall seem best to the said board of revenue and road commissioners of Mobile county, provided, however, that no election shall be held within sixty days after the taking effect of this act, and the board of revenue and road commissioners shall not delay ordering such election beyond six months from and after the taking effect of this act.

Sec. 3. That all expenses for holding such election shall be paid out of the treasury of the county of Mobile. The returning officers shall be entitled to the same compensation as returning officers at a general election. The managers of election shall fill the same offices and perform the same functions as inspectors and clerks under the general election laws, of this State; and shall receive the same compensation.

Sec. 4. That a contest of the said election may be made by any qualified elector of Mobile county, by his executing a bond with two sufficient sureties, if the surety be personal, or with one surety if satisfactory corporate surety is offered, the said bond to be approved by the judge of probate, upon the filing and approval of said bond, accompanied by notice of intention to contest, the probate judge, shall cause notice of such contest to be served on the solicitor of Mobile county, who shall respond in the name of the county, and the contest shall then proceed in the form of an action between the contestant as actor and Mobile county as the contestee, and the solicitor of Mobile county shall, without extra compensation represent the county in the said contest from its inception to its conclusion. The contest shall be a preferred case in the court in which it may be brought. Except as may be herein otherwise provided, the provisions and incidents of the general election law of this State with reference to contesting the election of judges of probate, shall govern and control the procedure in a contest of any election that may be held under this act. Either party to

such contest may appeal from the final judgment thereon of the trial court. In case of such appeal, the case in the Supreme Court shall be a preferred case. Such appeal may be had only to the Supreme Court of Alabama.

Sec. 5. That all bonds which may be issued pursuant to authority of said election under this act, shall be signed by the probate judge, and countersigned by the county treasurer of Mobile county, and the official seal of the probate judge shall be impressed upon or affixed to same. If there be no county treasurer, then the bonds shall be countersigned by the president of the board of revenue and road commissioners.

Sec. 6. That all bonds so issued shall have attached to same interest coupons which shall be signed and countersigned in the same way as the bonds, except that the signatures on the coupons may be lithographed in fac simile.

Sec. 7. That except where in this act it is otherwise provided, all the terms and provisions of article 8 of chapter 11 of the Code of Alabama of 1907, shall apply to and govern an election held under and pursuant to this act, and shall apply to and govern the acts and doings of all officers and persons in connection therewith, including the giving of notice of such election; the fixing of the interest rate, denomination, place of payment, time of maturity and selling price of the bonds; the form of the ballot; the machinery for and management of the election; the canvassing of the returns, and declaring the result thereof; the issuing of the bonds and the incidents and immunities that attach thereto; and the provision denying vitiating effect to any irregularity, omission or neglect of procedure or by officers.

Sec. 8. That except where otherwise provided either in this act, or in article 8 of chapter 11 of the Code of Alabama of 1907, the general election laws of the State of Alabama with regard to notice, qualifications of voters, official acts and things to be done in connection with ordering and holding elections, making returns and canvassing and certifying the same, and touching the holding of elections in general, shall govern in all respects; and all penalties fixed for wrongful acts and violations of the said general election laws shall apply to similar acts and violations at an election held hereunder.

Sec. 9. That the proceeds arising from the sale of bonds authorized to be issued by this act shall be turned over to the board of school commissioners of Mobile county, by whatever name that board may be designated at the time, to be by the

said board of school commissioners applied to the erecting, constructing and equipping or either of those purposes, of public school houses and buildings appurtenant thereto within the county of Mobile; but without the corporate limits of the city of Mobile; and such fund shall be administered by and under the direction of the said board of school commissioners, which board is hereby authorized and empowered to receive a receipt for the said fund, and to apply and administer it as aforesaid.

Approved September 10, 1915.

No. 440.)

(S. 720—Jones.

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AN ACT

To provide for the abolishment of the office of county treasurer for Barbour county; to authorize the board of revenue of Barbour county to designate or select a State or national bank as a depository of county funds, which said bank shall perform all duties hitherto appertaining to the office of county treasurer as such; to authorize the board of revenue to select a clerk of the board of revenue, to define the duties of said clerk and fix his compensation.

*Be it enacted by the Legislature of Alabama:*

Section 1. On the first day of January, 1917, the office of treasurer of Barbour county shall be and the same is hereby abolished.

Sec. 2. The board of revenue of Barbour county shall at its first regular meeting after the first day of October, 1916, and quadrennially thereafter select some regularly chartered or incorporated State or National bank situated and doing business in said county as repository of county funds, to be known as the "county repository" and the bank so selected shall from and after the first day of January, 1917, receive and hold and disburse all general and special funds, and moneys arising therefrom, subject to and in conformance with the same provisions of law covering their custody and disbursement by the county treasurer whose office is hereby abolished.

Sec. 3. The said county repository shall collect the same commissions and fees now provided by law to be paid to the county treasurer, and shall cover the same into the general fund of the county for the use of said county.

Sec. 4. The county repository herein provided for shall be selected as follows: Not less than thirty days previous to the day upon which said repository is to be selected the president of the board of revenue shall cause to be published in some newspaper published and printed in the county a notice in

which he shall notify all banks of the county of the date and manner of the selection. Any bank desiring to apply for appointment as county repository shall prepare a written statement of the best proposition and terms under which it can offer the county its services, stating that if selected it will prepare and execute a contract covering the terms of the said proposition, and posting a certified check, in the amount of one hundred dollars to be forfeited for the county upon its failure to do so within ten days of the time it has received notice that it has been selected. That said proposition shall be delivered to the president of the board of revenue under seal not later than eight o'clock of the morning on which said selection is to be made. Immediately upon the assembling of the board of revenue on the day when said selection is to be made, and after it has been called to order, the president of the board of revenue shall lay before the board of revenue all propositions which he has received, and they shall be unsealed and read to the board in the presence thereof, whereupon the board shall select as county repository the bank which shall offer its services to the county upon the terms most favorable to the county, and shall return all other propositions together with checks accompanying same. The president of the board of revenue shall notify the bank so selected of its selection within five days thereafter, and upon the failure of the said bank to execute a contract which shall be signed by the president of the board of revenue and the judge of probate on the part of the county, and by the president and at least a majority of the directors on the part of the bank, and to deliver over at the time of the signing of the said contract a good and sufficient bond executed by some surety company authorized to do business in the State, in the sum of at least ten thousand dollars and not more than the largest amount of money in the custody of its predecessor at any one time during the year last preceding the date of its selection, the said check shall be declared forfeited, and the board of revenue shall proceed to make a new selection in the same manner as the first selection was made.

Sec. 5. If at any time the board of revenue anticipates that an unusually large sum of money shall come into the hands of the said county repository, it may require such additional temporary bond for the period such excessively large sums shall remain with the county repository as in the judgment of the board of revenue shall be necessary to safeguard the county's interests.

Sec. 6. The term for which said bank shall be selected as county repository shall be four years and until its successor shall be selected and qualified.

Sec. 7. The county treasurer whose office is hereby abolished shall deliver over to the county repository upon the termination of his term of office as herein provided, all funds, moneys, books, papers and records in his possession and belonging to the county, taking the receipt of the county repository therefor.

Sec. 8. Semi-annually on the first days of July and January each year the said county repository shall prepare and publish according to law a full and complete report of the receipts and disbursements of all general and special funds of the county, the expense of said publication to be paid by the county.

Sec. 9. The board of revenue shall on the first day of December, 1916, and quadrennially thereafter select some proper person to serve as clerk of the board of revenue, whose term of office shall be for four years and until his successor is elected and qualified, who shall be paid the same mileage and per diem as a member of the board for all meetings which he attends, and who shall be required to perform all the clerical work of the board of revenue, keep a full and complete record of its transactions and minutes of its meetings and who shall draw the warrants for the payment of such claims as may be authorized to be paid by the board in session, which said warrants shall be countersigned by the president of the board of revenue before they shall be paid by the county repository; provided that the clerk shall not draw any warrant for the payment of any claim which does not represent a legal claim against the county, and that the county repository shall not pay, if drawn, any warrant drawn in payment of an illegal claim against the county.

Sec. 10. All laws and parts of laws in conflict herewith are hereby repealed.

Approved September 10, 1915.

No. 441.)

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AN ACT

(S. 785—Wallace.

To remit, annul, and cancel, an alleged indebtedness, claimed by the county of Shelby, against A. P. Longshore, in a suit pending in the circuit court of said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the alleged indebtedness claimed by the county of Shelby against A. P. Longshore, in a suit pending in the circuit court of said county, wherein the said county is plaintiff, and the said A. P. Longshore, and the sureties on his official bond, as probate judge of said county, are defendants, is neither, a legal, valid, or moral obligation, or liability of said A. P. Longshore to said county, and is null and void as such.

Sec. 2. *Be it further enacted*, That said claims, being neither a valid, legal, or moral obligation, or liability, the same is hereby remitted, annulled, and cancelled, and the said A. P. Longshore and his said sureties, are hereby forever released, and discharged from the payment of the same.

Became a law under section 125 of the Constitution.

No. 442.)

(S. 440—Hartwell.

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AN ACT

To grant the city of Mobile the right to use certain lands in the bay of Mobile, and authority to improve the same and extend wharves and terminals therefrom into the adjacent waters and to collect charges for the use of said improvements, and to provide for the regulation of such charges and to provide for the exercise of the right of eminent domain.

*Be it enacted by the Legislature of Alabama:*

1. That, whereas the land heretofore covered by the waters of Mobile Bay have devolved upon the State of Alabama; and whereas in the northwestern portion of the Bay of Mobile, within the police jurisdiction of the city of Mobile, certain islands have been raised upon the said bottom of the said bay in the course of the dredging operations of the United States Government in the improvement of the ship channel in Mobile Bay in the interest of navigation, and whereas, the said islands with their shallows and adjacent bottom afford a convenient site for the building up and improvement of publicly owned terminals and for other public uses in the aid of commerce and navigation, and the city of Mobile which is already possessed of some public terminals, contemplates a further extension of same in the interest of commerce and navigation; now, therefore, the right and privilege is hereby granted unto the city of Mobile of creating, installing, erecting and maintaining public terminals, wharves, docks, quays, warehouses, sheds, tipples, chutes, ele-

vators, conveyors and other adjuncts of commerce for receiving, discharging, storing, protecting, reducing in bulk, transferring, loading and unloading freight and commodities of commerce to and from vessels and carriers, and all other purposes in aid of commerce and navigation, on, over and across said islands lying within the space of two miles measured southwardly, from the mouth of Mobile river on its west side, and the shallows intervening between the same, together with the right to dredge out and deepen the approaches thereto and the harbors connected therewith, and to charge and collect reasonable tolls for the use thereof; and full power and authority is hereby granted to the city of Mobile to enter upon and place upon said islands and shallows so described above, and within the waters lying on each side of said islands, and of the shallows between the same, wharves, docks, piers and all structures aforesaid or needful for the convenient use of the same in the aid of commerce; but however, the same shall not be extended or maintained into the water beyond such reasonable distance as may be needful for such improvements and all such structures shall, be restricted to within such lines or limitations as may be at the time of construction thereof laid or placed by any authority of the United States, or of the State of Alabama having control of harbor lines. Provided further that no such structure shall be built, maintained upon or over the lands of the State aforesaid or lands underlying the navigable waters of the State, so as to in anywise unreasonably obstruct navigation, or the freedom of the use of the navigable waters of the State for commerce and navigation, or for harbor purposes, nor so as to unreasonably interfere with the navigation of the cove made by said islands or of the channel on the side of said islands; nor shall any charge be exacted by the city of Mobile of any vessel, barge, boat or raft, singly or in fleets, for anchoring, mooring, or tying up or remaining on such of the navigable waters, presumptive or established, either or both of them, or along side of or on the lands of the State abutting thereon, or thereunder, as are hereinabove described not then occupied by structures and improvements placed thereon or therein pursuant hereto; or in the cove made by said islands or in the channel on the side of said islands so long as the reasonable use of said wharves or structures occupying the lands of the State, or the aforesaid navigable waters of the State, or the use of the approaches to said wharves and other structures, or the coaling of vessels using the same is not unreasonably restricted, inter-



ferred with or prevented thereby. This grant is made subject, however, to the further reservation and right of the Legislature or authority constituted by it for such purpose, to vacate or caused to be vacated and repossess or cause to be repossessed, by the State, so much of said islands and shallows intervening between the same and lands belonging to the State, as may be, at any time, necessary for use by the State or the Federal Government, in aid of navigation and commerce or for harbor purposes, or to insure the freedom and safety of navigation or the public or the property abutting upon the navigable waters of the State, but not otherwise; and to that end may proceed under its right of eminent domain as to the removal of all or any of said structures and the like placed thereon hereunder, all or any part thereof, so that the rights of the State and the public may be preserved and insured under section 24 of article 1 of the Constitution of Alabama. Provided further that all tolls, imposts, charges and duties authorized hereunder for the use of said wharves and other structures occupying the lands of the State, or connected therewith, at all times hereafter, be subject to regulation and revision by the Legislature or other authority now existing or hereafter created by it for such purpose, together with the right and authority of the Legislature to fix and define or to delegate to an authority constituted by it, the right and power to fix and define and prescribe reasonable tolls, imposts, charges and duties for the use of said wharves and other structures and to prevent unjust discriminations with respect thereto.

Approved September 10, 1915.

No. 443.)

(S. 332—Arrington.

### AN ACT

To repeal "An act, to regulate the fine and forfeiture fund of Coffee county, and claims against said funds, and requiring all fines and forfeitures to be paid in money and making it a misdemeanor punishable by fine for any officer collecting moneys belonging to said fund to fail to pay the same to the county treasurer within sixty days from the collection thereof," approved March 11, 1911.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act entitled "an act to regulate the fine and forfeiture fund of Coffee county, and claims against said funds, and requiring all fines and forfeitures to be paid in mon-

ey and making it a misdemeanor punishable by fine for any officer collecting moneys belonging to said fund to fail to pay the same to the county treasurer within sixty days from the collection thereof, approved March 11, 1911, be, and the same is, hereby repealed.

Approved September 10, 1915.

No. 445.)

(S. 784—Wallace.

### AN ACT

To ratify and confirm the payment of certain county warrants paid by W. E. Harrison, as treasurer of Shelby county, Alabama, and to discharge said W. E. Harrison and his sureties on his official bond from all liabilities on account of the payment of such warrants.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the payment of the following county warrants issued by Shelby county, and paid by W. E. Harrison, as treasurer of said county, during his official term as such treasurer, to-wit:

<i>War.</i>	<i>Date</i>		
<i>No.</i>	<i>Issued</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>
	1910.		
9	Mar. 23	J. S. Collum, road work.....	\$ 11.25
10	Mar. 23	Asam Birchfield, Asst. P. H.....	12.50
14	Mar. 29	Taylor Finley, road work.....	7.50
15	Mar. 29	Peter Carroll, Asst. P. H.....	2.50
16	Mar. 30	Sou. Bell Tel. Co.....	4.95
17	Mar. 31	Margaret Gothard, Asst. P. H.....	10.00
18	April 1	A. T. Rowe, M. D., county Dr.....	60.00
20	April 1	Phil Sawyer, Asst. P. H.....	2.50
21	April 2	L. G. Gould, Asst. P. H.....	9.00
22	April 2	Jno. T. Cromwell, express.....	.55
23	April 3	T. M. Duncan, road work.....	1.50
24	April 4	D. M. Ray, Asst. P. H.....	7.50
25	April 4	J. B. Pitts, janitor.....	40.00
36	Mar. 6	A. P. Longshore, Jr., H. L. A.....	12.50
68	April 8	James Hope, Asst. P. H.....	5.00
75	April 9	Eliza Simpson, Asst. P. H.....	2.50
76	April 9	Eliza Simpson, Asst. P. H.....	2.50
80	April 9	Sou. Bell Tel. Co.....	3.00
82	April 12	Mary A. Pool, Asst. P. H.....	7.50
86	April 12	Lewis Hamilton, Asst. P. H.....	10.00

<i>War.</i>	<i>Date</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>
No.	Issued		
89	April 12	J. T. Cromwell, freight.....	2.51
90 & 15		Acct. App. Mfg. Co.....	265.10
10	April 18	J. S. Collum, Bldg. P. H.....	30.00
102	April 18	Geo. W. Tinney, freight.....	2.57
104	April 21	I. J. Davis, road work.....	11.50
105	April 25	Jno. Howell, pine.....	1.50
106	April 26	Geo. W. Tinney, freight shingles.....	2.34
107	April 27	C. W. Farr, freight.....	.25
110	April 29	Margaret Gothard, Asst. P. H.....	20.00
112	April 30	L. G. Gould, Asst. P. H (E. Aem).....	9.00
113	April 30	Peter Carroll, Asst. P. H.....	2.50
114	April 30	Phil Sawyer, Asst. P. H.....	2.50
115	May 2	Mary Ray, Asst. P. H.....	7.00
116	May 3	J. B. Pitts, janitor.....	40.00
117	May 3	Lewis Hamilton, Asst. P. H.....	2.50
119	May 4	Logan Neely, Asst. P. H.....	2.50
120	May 5	Elizabeth Simpson, Asst. P. H.....	2.50
121	May 5	Sallie McClinton, Asst. P. H.....	10.00
122	May 6	B. C. Bynum Const. Co.....	500.00
123	May 6	B. C. Bynum Const. Co.....	500.00
124	May 6	B. C. Bynum Const. Co.....	500.00
125	May 6	B. C. Bynum Const. Co.....	500.00
127	May 9	J. T. Cromwell, freight.....	1.48
128	May 9	Sou. Bell Tel. Co.....	2.50
130	May 12	J. S. Collum, Bldg. P. N.....	58.00
131	May 13	May Hope, Asst. P. H.....	2.50
133	May 14	I. J. Davis, road work.....	6.25
134	May 14	Dan Davis, road work.....	5.00
135	May 14	Henry Davis, road work.....	4.00
136	May 14	Harrison Davis, road work.....	3.00
137	May 14	Levi Foster, road work.....	2.50
138	May 14	Stephen Davis, road work.....	1.25
139	May 14	James Harrison, road work.....	6.25
141	May 14	H. L. D. Phillips, road work.....	57.00
142	May 16	H. L. D. Phillips, road work Beat 11.....	10.00
143	May 16	H. L. D. Phillips, road work Beat 11.....	54.00
144	May 16	H. L. D. Phillips, road work Beat 11.....	16.00
147	May 18	I. J. Davis, building bridge.....	6.75
148	May 18	G. N. Mason, shingles.....	21.00
150	May 20	Nathan Robinson, Asst. P. M.....	2.50
151	May 24	J. E. Mahan, road work Beat 7.....	100.00
153	May 28	Peter Carroll, Asst. P. H.....	2.50

<i>War.</i>	<i>Date</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>
<i>No.</i>	<i>Issued</i>		
154	June 1	Phil Sawyer, Asst. P. H.....	2.50
155	June 1	Ellis Armstrong, Asst. P. H.....	9.00
156	June 1	Mary A. Ray, Asst. P. H.....	7.00
158	June 3	J. B. Pitts, janitor.....	40.00
159	June 3	Logan Neely, Asst. P. H.....	2.50
160	June 4	P. H. Gilbert, Asst. P. H.....	7.50
161	June 6	J. E. Mahan, road work in Beats 3 & 7	200.00
162	June 7	Eliz. Simpson, Asst. P. H.....	2.50
167	June 10	Sou. Bell Tel. Co., telephone for city..	2.50
168	June 11	J. W. Blackerly, feeding jurors.....	1.50
169	June 11	A. P. Longshore, Com'r fee 3 days.....	9.00
172	June 14	F. M. Lee, road work.....	55.00
174	June 14	A. P. Longshore, 1 day com. fee.....	3.00
175	June 16	Nathan Isbell, Asst. P. H.....	12.00
176	June 15	B. C. Bynum Const. Co.....	620.00
177	June 16	B. C. Bynum Const. Co.....	620.00
178	June 16	B. C. Bynum Const. Co.....	620.00
179	June 16	B. C. Bynum Const. Co.....	620.00
180	June 16	B. C. Bynum Const. Co.....	620.00
181	June 16	Union Carbide Sales Co.....	22.50
182	June 16	Paul Rich, lumber for road.....	3.93
183	June 16	Robertson Drug Co., medicines.....	21.75
184	June 1	S. W. Nelson, insane exp.....	28.85
185	June 18	H. L. D. Phillips, road work Beat 15..	40.00
186	June 18	H. L. D. Phillips, road work Beat 15..	74.00
188	June 21	A. P. Longshore, expenses to B'ham..	16.68
189	June 21	A. P. Longshore, one days com.....	3.00
190	June 22	S. P. M. Fancher, lumber for road.....	3.00
191	June 24	Martha Robinson, Asst. P. H.....	3.00
195	June 25	Peter Carroll, Asst. P. H.....	2.50
194	June 27	Geo. W. Tinney, freight.....	2.75
195	June 28	Adam Birchfield, Asst. P. H.....	7.50
196	June 29	E. M. Morris, Obt. names revenue.....	9.30
198	June 29	W. P. Gilbert, license road work.....	11.25
199	July 1	Phil Sawyer, Asst. P. H.....	2.50
200	July 1	Dr. A. T. Rowe, county physician.....	60.00
201	July 1	Mary Ray, Asst. P. H.....	7.00
202	July 1	Ellis Armstrong, Asst. P. H.....	9.00
203	July 1	W. A. Beard, road work.....	1.50
204	July 2	J. B. Pitts, janitor.....	40.00
205	July 2	Mary A. Pool, Asst. Os. P. H.....	7.50
208	July 7	Geo. W. Tinney, freight.....	.86

<i>War.</i>	<i>Date</i>			
<i>No.</i>	<i>Issued</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>	
210	July 7	J. T. Cromwell, freight.....	2.29	
228	July 9	O. Cost, com. fees.....	14.50	
233	July 11	Margaret Gothard, Asst. P. H.....	10.00	
235	July 11	Logan Neely, Asst. P. H.....	2.50	
239	July 12	Elizabeth Simpson, Asst. P. H.....	2.50	
249	July 12	E. H. Morris, taking insane man to asylum .....	16.62	
250	July 13	E. H. Morris, road service.....	45.00	
254	July 12	J. E. Mahan, road work.....	90.00	
257	July 9	Sou. Bell Tel. Co.....	3.50	
263	July 15	Acme White Lead Co.....	3.25	
165	July 15	William Bros., medicine P. H.....	13.55	
267	July 15	Jno. R. Dyke, ct. costs Aldrich as enu- merating .....	.96	
278	July 19	J. W. Peers .....	.75	
279	July 22	J. E. Mahan, work done No. 3.....	150.00	
281	July 23	H. H. Baldwin, enumerating.....	3.27	
282	July 23	N. T. Taylor, enumerating.....	2.46	
283	July 23	Irwin Wingard, enumerating.....	1.86	
284	July 24	Peter Carroll, Asst. O. S. Poor House	2.50	
285	July 23	E. M. Strother, enumerating.....	1.26	
290	July 27	G. L. Armstrong, enumerating.....	.93	
293	July 27	J. M. Leonard, Jr., holding inquest.....	34.96	
294	July 27	Rufus Lester, goods for county.....	16.94	
295	July 27	J. D. Bibb, court stenographer.....	120.00	
297	July 28	West Disinfectant Co. ....	108.50	
298	July 29	G. W. Tinney, freight.....	.25	
299	July 29	Phil Sawyer, Asst. P. H.....	2.50	
308	Aug. 1	Dr. A. T. Rowe, county doctor.....	20.00	
309	Aug. 1	P. M. Murphy, enumerating.....	1.02	
310	Aug. 1	Mary Ray, Asst. P. H.....	7.00	
306	Aug. 2	Eli Phillips, enumerating.....	1.62	
317	Aug. 3	Logan Neely, Asst. P. H.....	2.50	
318	Aug. 5	J. B. Pitts, janitor.....	40.00	
333	Aug. 8	Geo. Kroell, lumber for roads.....	93.74	
336	Aug. 10	Geo. W. Tinney, freight.....	2.88	
338	Aug. 11	J. T. Cromwell, freight.....	.50	
340	Aug. 12	Milas McClellan, Asst. P. H.....	2.50	
342	Aug. 12	Elizabeth Simpson, Asst. P. H.....	2.50	
344	Aug. 10	Sou. Bell Tel. Co.....	3.40	
347	Aug. 19	R. H. Jarrett, enumerating.....	5.19	
350	Aug. 15	J. E. Mahan, work D. 3.....	23.20	

<i>War.</i>	<i>Date</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>
No.	Issued		
352	Aug. 16	James Holsomback, Asst. P. H.....	5.00
356	Aug. 20	L. P. Looney, work on road.....	45.00
357	Aug. 20	Martha Roberson, Asst. P. H.....	5.00
359	Aug. 29	J. T. Cromwell, freight.....	.30
360	Aug. 26	Margaret Gothard, Asst. P. H.....	20.00
361	Aug. 27	Peter Carroll, Asst. P. H.....	2.50
362	Aug. 27	Geo. W. Tinney, freight.....	30.38
364	Aug. 29	J. E. Mahan, work on road.....	103.50
368	Aug. 30	J. A. Verchal, hauling coal.....	17.46
369	Sept. 1	Dr. A. T. Rowe, county physician.....	20.00
370	Sept. 1	Dr. A. T. Rowe, county physician.....	20.00
370	Sept. 1	J. B. Pitts, janitor.....	40.00
373	Sept. 2	Geo. W. Tinney, freight on coal.....	28.60
374	Sept. 1	Cahaba Coal Co., car coal.....	73.75
375	Sept. 1	Nathan Isbell, Asst. P. H.....	12.00
372	Sept. 3	H. W. Nelson, lumber.....	6.72
379	Sept. 5	J. O. Moore, enumerating.....	2.01
381	Sept. 6	Sou. Bell Tel. Co.....	3.15
382	Sept. 6	Elizabeth Simpson, Asst. P. H.....	2.50
383	Sept. 7	I. J. Davis, work on road.....	21.00
384	Sept. 7	Logan Neely, Asst. P. H.....	2.50
385	Sept. 8	P. N. Gilbert, Asst. P. H.....	7.50
386	Sept. 10	J. W. Robertson, work on road.....	9.00
387	Sept. 10	S. C. Merrill, work on road.....	21.00
388	Sept. 10	J. L. Jones, work on road.....	4.00
389	Sept. 10	J. T. Finley, Jr., work on road.....	39.75
390	Sept. 10	T. R. Lovett, work on road.....	22.50
391	Sept. 10	H. M. Warren, hauling rock.....	10.50
392	Sept. 12	J. L. Nivens, repairing bridge.....	32.00
395	Sept. 12	Jno. T. Cromwell, freight.....	4.32
396	Sept. 13	J. R. Vanderslice, work on road.....	4.00
397	Sept. 13	Acme White Lead Co., goods for Co....	6.25
398	Sept. 13	Rae Hindsley, enumerating.....	5.40
399	Sept. 16	J. T. Finley, Jr., work on road.....	21.62
400	Sept. 17	Sallie McClinton, Asst. P. H.....	10.00
403	Sept. 19	Margaret Gothard, Asst. P. H.....	17.50
406	Sept. 22	H. M. Morris, work on Chan. Ct.....	4.00
409	Sept. 27	Aaron McClinton, Asst. P. H.....	2.50
410	Sept. 28	Peter Carroll, Asst. P. H.....	2.50
411	Oct. 1	Dr. A. T. Rowe, county doctor.....	20.00
412	Oct. 1	J. T. Farrell, enumerating.....	3.21
413	Oct. 1	Mary Ray, Asst. P. H.....	7.00

<i>War.</i>	<i>Date</i>	<i>No.</i>	<i>Issued</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>
		426	Oct. 4	Elizabeth Simpson, Asst. P. H.....	2.50
		427	Oct. 4	Logan Neely, Asst. P. H.....	2.50
		429	Oct. 5	J. B. Pitts, janitor.....	40.00
		450	Oct. 5	G. T. Fulton, enumerating.....	4.23
		455	Oct. 6	Eva Pearson, enumerating.....	2.28
		467	Oct. 7	H. W. Nelson, lumber.....	6.59
		470	Oct. 8	H. L. D. Phillips, work on road.....	107.90
		471	Oct. 8	H. L. D. Phillips, work on road.....	94.10
		472	Oct. 8	T. L. Williams, work on road.....	1.50
		473	Oct. 8	J. L. Jones, work on road.....	7.50
		474	Oct. 8	Mary Ann Bool, Asst. P. H.....	7.50
		476	Oct. 10	Sou. Bell Tel. Co.....	2.50
		479	Oct. 12	W. H. Richardson, 2 bbl. cement.....	6.00
		471	Oct. 12	J. T. Cromwell, freight.....	.87
		482	Oct. 14	Adam Birchfield, Asst. P. H.....	7.50
		484	Oct. 15	K. M. Jones, enumerating.....	4.26
		485	Oct. 15	Daniel Salser, work on road.....	6.55
		487	Oct. 15	Aaron Foster, work on road.....	1.50
		488	Oct. 17	B. A. Hawkins, bal. gas plant.....	20.50
		489	Oct. 18	H. L. D. Phillips, work on road.....	104.50
		490	Oct. 18	H. L. D. Phillips, work on road.....	38.00
		492	Oct. 18	H. L. D. Phillips, work on road.....	38.00
		493	Oct. 18	H. L. D. Phillips, work on road.....	38.00
		497	Oct. 20	Martha Robinson, Asst. P. H.....	5.00
		498	Oct. 21	John Isbell, Asst. P. H.....	8.00
		499	Oct. 21	John T. Cromwell, freight.....	.54
		500	Oct. 21	J. W. Maddox, enumerating.....	4.28
		502	Oct. 22	Earnest Davis, work on roads.....	4.35
		503	Oct. 23	Simon Davis, work on roads.....	4.35
		504	Oct. 22	D. A. Salser, work on roads.....	6.55
		505	Oct. 22	Willis Gilbert, work on roads.....	14.50
		506	Oct. 22	L. E. Foster, work on roads.....	2.50
		520	Oct. 31	Nelson Davis, pine for court house.....	1.50
		522	Nov. 1	Dr. A. T. Rowe, county doctor.....	20.00
		523	Nov. 1	Mary Ray, Asst. P. H.....	7.00
		524	Nov. 1	J. B. Pitts, janitor.....	40.00
		529	Nov. 1	Peter Carroll, Asst. P. H.....	2.50
		527	Nov. 1	Logan Neely, Asst. P. H.....	2.50
		528	Nov. 4	James Vick, work on road.....	5.00
		529	Nov. 4	Earnest Davis, work on road.....	3.75
		530	Nov. 5	Elizabeth Simpson, Asst. P. H.....	2.50
		532	Nov. 7	G. W. Tinney, freight.....	1.85

<i>War.</i>	<i>Date</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>
<i>No.</i>	<i>Issued</i>		
538	Nov. 10	Sou. Bell Tel. Co.....	2.50
541	Nov. 11	James Vick, work on road.....	4.70
542	Nov. 12	Margaret Gothard, Asst. P. H.....	25.00
543	Nov. 12	H. L. D. Phillips, work on road.....	108.87
544	Nov. 12	H. L. D. Phillips, work on road.....	38.00
545	Nov. 2	H. L. D. Phillips, work on road.....	23.75
543	Nov. 12	H. L. D. Phillips, work on road.....	42.75
547	Nov. 15	J. T. Cromwell, freight.....	.25
550	Nov. 19	L. E. Foster, work on road.....	3.12
553	Nov. 25	Earnest Davis, work on road.....	5.25
554	Nov. 26	James Vick, work on road.....	3.75
556	Nov. 27	Peter Carroll, Asst. P. H.....	2.50
557	Nov. 29	Aaron McClellan, Asst. P. H.....	5.00
559	Nov. 29	Emanuel Salser, load of pine.....	1.25
560	Dec. 1	J. B. Pitts, janitor.....	40.00
561	Dec. 1	Dr. A. T. Rowe, county doctor.....	20.00
562	Dec. 1	Mary Rae, Asst. P. H.....	7.00
565	Dec. 3	Logan Neely, Asst. P. H.....	2.50
568	Dec. 5	Forest Murphy, freight on coal.....	20.79
570	Dec. 7	P. N. Gilbert, Asst. P. H.....	7.50
574	Dec. 9	Sou. Bell Tel. Co.....	2.50
576	Dec. 9	Elizabeth Simpson, Asst. P. H.....	2.50
578	Dec. 10	I. J. Davis, work on road.....	8.38
581	Dec. 14	E. F. Blackmon, Asst. P. H.....	2.50
592	Dec. 14	Martha Roberson, Asst. P. H.....	5.00
591	Dec. 21	J. T. Cromwell, freight.....	.25
583	Dec. 17	J. T. Cromwell, freight.....	2.56
596	Dec. 22	Margaret Gothard, Asst. P. H.....	12.50
599	Dec. 23	A. A. Bentley, work on road.....	11.25
601	Dec. 23	J. W. Payne, work on road.....	6.00
602	Dec. 23	Mitchell Payne, work on road.....	2.00
604	Dec. 24	Jno. Isbell, Asst. P. H.....	8.00
608	Dec. 28	G. W. Tinney, freight.....	2.80
609	Dec. 28	Morning Davis, pine.....	1.50
610	Dec. 29	Ed Payne, enumerating.....	7.26
611	Dec. 31	Logan Neely, Asst. P. H.....	2.50
612	Jan. 2	Dr. A. T. Rowe, county doctor.....	20.00
614	Jan. 3	Martha Robinson, Asst. P. H.....	5.00
615	Jan. 3	J. B. Pitts, janitor.....	40.00
616	Jan. 3	Peter Carroll, Asst. P. H.....	2.50
628	Jan. 5	O. Cost, Com'r. fees.....	25.00
636	Jan. 6	Mary Ray, Asst. P. H.....	7.00



<i>War.</i>	<i>Date</i>		
<i>No.</i>	<i>Issued</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>
643	Jan. 7	Sou. Bell Tel. Co.....	3.00
658	Jan. 10	Adam Birchfield, Asst. P. H.....	7.50
659	Jan. 10	Mary Ann Pool, Asst. P. H.....	7.50
664	Jan. 10	Elizabeth Simpson, Asst. P. H.....	2.50
665	Jan. 11	S. S. Booth, R. of W. for road.....	30.00
667	Jan. 12	Van Howell, pine.....	1.00
677	Jan. 14	Jesse McCullers, work on road.....	4.00
695	Jan. 14	Lylvester Lindsey, lumber.....	14.17
696	Jan. 16	Sears Roebuck Co., outfit.....	70.78
698	Jan. 16	G. W. Tinney, freight.....	.43
699	Jan. 17	Moses Davis, pine.....	1.50
713	Jan. 19	J. T. Avery, jury Co.....	20.00
712	Jan. 19	G. W. Tinney, freight.....	.25
719	Jan. 21	Mitchell Payne, work on road.....	7.50
720	Jan. 21	Sam Roper, work on road.....	11.25
721	Jan. 21	Ben McClanahan, work on road.....	2.50
722	Jan. 21	Jesse McCullers, work on road.....	6.00
723	Jan. 21	E. F. Blackmon, Asst. P. H.....	5.00
724	Jan. 21	Frank Thomas, road work.....	6.85
725	Jan. 24	Lawrence Thomas, road work.....	6.00
729	Jan. 25	Geo. W. Tinney, freight.....	14.83
730	Jan. 25	Curry & Moore, lumber.....	52.01
731	Jan. 26	H. J. Busby, 2 mules.....	486.00
732	Jan. 27	J. P. Merrell, Asst. P. H.....	33.00
733	Jan. 27	Sam Lovett, road work.....	12.65
735	Jan. 27	J. W. Vick, road work.....	13.10
736	Jan. 28	A. A. Bentley, road work.....	17.50
737	Jan. 28	Ben McCullers, road work.....	5.75
738	Jan. 28	Frank Thomas, road work.....	10.00
739	Jan. 29	Columbus Blackerby, road work.....	15.00
740	Jan. 29	Peter Carroll, Asst. P. H.....	2.50
744	Jan. 31	Margaret Gothard, et als., Asst. P. H.....	25.00
745	Feb. 1	J. A. Verchat, coal P. H.....	34.50
746	Feb. 2	Mary Ray, Asst. P. H.....	7.00
747	Feb. 1	J. B. Pitts, janitor.....	47.50
748	Feb. 1	Logan Neely, Asst. P. H.....	2.50
749	Feb. 1	Dr. A. T. Rowe, county physician.....	20.00
750	Feb. 3	Mitchell Payne, road work.....	3.75
751	Feb. 3	Elizabeth Simpson, Asst. P. H.....	2.50
752	Feb. 4	G. B. Bentley, road work.....	12.90
753	Feb. 4	James Vick, road work.....	1.00
754	Feb. 4	Sam Lovett, road work.....	7.65

<i>War.</i>	<i>Date</i>		<i>To Whom Issued and for What.</i>	<i>Amount.</i>
<i>No.</i>	<i>Issued</i>			
755	Feb. 4		G. M. Merrell, work on bridge.....	31.25
757	Feb. 4		J. Hamilton, work on bridge.....	2.50
756	Feb. 4		R. E. Moore, work on bridge.....	3.12
758	Feb. 4		J. A. Skelton, road work.....	5.70
579	Feb. 4		Monroe Willis, road work.....	2.90
760	Feb. 4		P. L. Garden, road work.....	2.50
761	Feb. 4		Sam Roper, road work.....	9.35
762	Feb. 4		W. H. Martin, mare mule.....	225.00
763	Feb. 4		Wm. Thomas.....	.50
764	Feb. 6		Geo. W. Tinney, freight on coal.....	19.99
765	Feb. 7		Frank Thomas, road work.....	9.45
766	Feb. 7		J. E. Mahan, road work.....	198.47
767	Feb. 7		A. A. Logan, enumerating.....	5.11
768	Feb. 8		J. A. Verchat, hauling coal.....	8.40
769	Feb. 8		Marvin Watson, road work.....	7.50
770	Feb. 8		Henry J. Busby, 2 mules.....	432.00
771	Feb. 8		J. P. Merrell, road work.....	19.00
772	Feb. 8		Sou. Bell Tel. Co.....	3.80
774	Feb. 10		Geo. W. Tinney, freight on coal.....	21.77
775	Feb. 11		Columb. Blackerby, road work.....	13.10
776	Feb. 12		B. T. Johnson, building bridge.....	110.00
777	Feb. 13		Frank Thomas, road work.....	4.75
778	Feb. 13		Lawrence Thomas, road work.....	3.75
779	Feb. 14		Will Webster, cooking.....	11.50
780	Feb. 13		Jesse McCullers, road work.....	3.20
781	Feb. 14		Dave McCullers, road work.....	3.65
782	Feb. 14		J. A. Verchat, hauling coal.....	12.40
783	Feb. 14		Geo. W. Tinney, freight on coal.....	6.07
785	Feb. 16		Rich'd. Merrell, road work.....	56.60
786	Feb. 17		James Vick, road work.....	2.50
787	Feb. 17		Geo. W. Tinney, freight.....	14.05
788	Feb. 17		County Savings Bank, feed.....	55.26
789	Feb. 18		Frank Thomas, road work.....	6.95
790	Feb. 18		Lawrence Thomas, road work.....	5.50
791	Feb. 18		D. W. Smith, road work.....	9.05
792	Feb. 18		E. L. Gipson, road work.....	2.05
793	Feb. 18		A. A. Bentley, road work.....	9.95
794	Feb. 20		Spurgeon Bradley, road work.....	8.60
795	Feb. 20		Martha Robinson, Asst. P. H.....	2.50
796	Feb. 21		W. F. Davis, freight on tents.....	1.41
797	Feb. 22		Mose Davis, pine.....	1.50
798	Feb. 22		Clide Cross, hay.....	7.95

<i>War.</i>	<i>Date</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>
No.	Issued		
799	Feb. 23	Jno. Blackerby, road work.....	7.50
800	Feb. 25	James Vick, road work.....	12.50
801	Feb. 25	Frank Thomas, road work.....	6.85
802	Feb. 25	Lawrence Thomas, road work.....	6.00
803	Feb. 25	Peter Carroll, Asst. P. H.....	2.50
804	Feb. 27	M. F. Isbell, timber road.....	4.69
807	Feb. 28	Aaron McClellan, Asst. P. H.....	7.50
808	Feb. 28	Marvin Watson, road work.....	12.05
809	Mar. 1	J. P. Merrell, blacksmith.....	36.00
801	Mar. 1	Will Webster, cooking.....	15.00
811	Mar. 1	P. N. Gilbert, Asst. P. H.....	7.50
812	Mar. 1	Logan Neely, Asst. P. H.....	2.50
813	Mar. 1	Mary Ray, Asst. P. H.....	7.00
814	Mar. 3	Lum Blackerby, road work.....	15.00
815	Mar. 3	Dan Blackerby, road work.....	15.00
816	Mar. 4	Jesse McCullers, road work.....	5.50
817	Mar. 4	Dave McCullers, road work.....	6.15
818	Mar. 4	Dr. A. T. Rowe, county physician.....	20.00
819	Mar. 4	Frank Thomas, road work.....	7.50
820	Mar. 4	Lawrence Thomas, road work.....	6.00
821	Mar. 4	J. B. Pitts, janitor.....	50.00
822	Mar. 4	H. L. D. Phillips, road Sup.....	75.00
823	Mar. 4	H. L. D. Phillips, team.....	24.00
824	Mar. 4	Elizabeth Simpson, Asst. P. H.....	2.50
825	Mar. 9	Sou. Bell Tel. Co.....	3.10
831	Mar. 22	H. L. D. Phillips, feed.....	48.50
832	Mar. 22	Peter Carroll, Asst. P. H.....	2.50
836	Mar. 2	Geo. W. Tinney, freight.....	2.14
837	Mar. 27	W. F. Davis, freight.....	2.65
838	Mar. 22	H. L. D. Phillips, freight on feed.....	50.00
65		Interest on loans for use of Shelby county to F. M. Stafford & Co.....	140.00
139		Interest on loans for use of Shelby county to F. M. Stafford & Co.....	87.50
730		Interest on loan for use of Shelby county to T. G. Montague & Co.....	175.00
734		Interest on loan for use of Shelby county to T. G. Montague & Co.....	175.00
356		Interest on loans by Traders National Bank and payable to Columbiana Savings Bank.....	164.00
357		Interest on loans by Traders National Bank and payable to Columbiana Savings Bank.....	271.26

<i>War.</i>	<i>Date</i>		
<i>No.</i>	<i>Issued</i>	<i>To Whom Issued and for What.</i>	<i>Amount.</i>
731	Interest on loans for use of Shelby county to T. G. Montague & Co.....		175.00
744	Interest on loans for use of Shelby county to T. G. Montague & Co.....		175.00
175	Interest on loans for use of Shelby county to Columbia Savings Bank.....		200.00
180	Interest on loans for use of Shelby county to Columbia Savings Bank.....		45.33
181	Interest on loans for use of Shelby county to Columbia Savings Bank.....		9.77
507	Interest on loans for use of Shelby county payable to Mrs. Maggie Weaver.....		53.33
150	Interest on one thousand dollars for one year to Mrs. Maggie Weaver.....		80.00
746	Interest on loan for use of Shelby county to T. G. Montague & Co.....		175.00
274	Interest on one thousand dollars to Nat. Park Bank 172 days Col. Savings Bank.....		382.22
275	Interest on five thousand dollars to Nat. Park Bank 213 days Col. Savings Bank.....		235.55
276	Interest on five thousand dollars to T. G. Montague & Co., 12 months.....		400.00
277	Interest on three thousand one hundred and twenty-four and 12/100 dollars to Traders National Bank.....		132.08
383	Interest on loan of \$10,000.00 Traders National Bank.....		706.66
980	Interest on loan to Shelby County Traders Nat. Bank.....		540.00
157	Interest on loan of five thousand dollars to T. G. Montague & Co.....		256.87
383	Interest on loan of ten thousand dollars to Traders National Bank.....		428.20
90	Interest on loan to Shelby County Columbia Savings Bank.....		1,586.87

be and the same is hereby ratified and confirmed.

Sec. 2. Be it further enacted, That the said W. E. Harrison and his sureties on his official bond, be and they are hereby discharged from all liability, whatsoever, on account of the payment of said warrants and from all interest upon said warrants as charged against said W. E. Harrison by \_\_\_\_\_ State examiner of public accounts.

Became a law under section 125 of the Constitution.

No. ....)

(H. J. R. 238—Fite of Tuscaloosa.

## HOUSE JOINT RESOLUTION.

Providing for and empowering the board of trustees of the University of Alabama to make application for the admission of the University of Alabama to the rights and privileges of the Carnegie Foundation for the advancement of teaching and to receive the same.

*Be it resolved by the Legislature of Alabama:*

That the board of trustees of the University of Alabama be and the same are hereby empowered to make application for and receive for the benefit of teachers of the University of Alabama the rights and privileges of the Carnegie Foundation for the advancement of teaching.

Passed by the Senate and House September 14, 1915.

No. 446.)

(S. 763—Thach.

## AN ACT

To provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Limestone county shall within six months after the approval of this act elect a county engineer who shall be the superintendent of public roads of said county; he shall be provided with a properly furnished office in the county court house or elsewhere in the county seat, and shall hold his office subject to the pleasure of the court of county commissioners. The said county engineer shall have charge of the location, construction, improvement and maintenance of the public roads, bridges and ferries of the county, subject to the general direction of the court of county commissioners; he shall be the custodian of the records of the county concerning roads and bridges, except as herein provided; he shall select all of his subordinate employees, subject to approval of the county commissioners; he shall prepare and approve all plans and specifications; and none of his plans and specifications, orders or directions shall be countermanded or changed except by a specific resolution of

the court of county commissioners duly entered on the minutes. The county engineer shall devote his entire time to the duties of his office designated herein and such other duties as shall be assigned to him by the court of county commissioners, provided that he may, with the consent of the county commissioners, do surveying or engineering work for private parties for which services he shall charge such fees as the court of county commissioners shall direct and shall pay such fees into the county road and bridge fund. The salary of county engineer shall be fixed by the court of county commissioners, provided that the salary shall not be less than \$1,500.00 per annum, payable monthly. Said engineer before taking office shall furnish the county with surety bond in the sum of (\$2,000.00) two thousand dollars.

Sec. 2. That no person shall be eligible to hold the office of county engineer unless he is a competent civil engineer and experienced in the construction of roads; and unless he shall pass satisfactorily an examination designed to test his fitness for such office. Said examination shall be held under the direction of the State highway commission or engineer and under such regulations as it may prescribe.

Sec. 3. That before any work is done in the construction or improvement of any road or bridge, except necessary maintenance work, the engineer shall make such surveys as may be necessary, shall prepare definite plans, specifications and an estimate of the cost of the work and shall submit said plans, specifications and estimates of cost for the approval of the court of county commissioners with a recommendation as to the best method of doing the work. The court of county commissioners shall pass upon said plans, specifications, estimates and when said plans and specifications are approved, the county engineer shall be authorized to proceed with the work by contract or by force account as the court of county commissioners shall direct. If the court of county commissioners determine to do such work by contract, the county engineer shall advertise for bids in a newspaper published in the county, in a daily newspaper of general circulation in the State of Alabama, and by posting a copy of the advertisement at the court house. The said advertisement shall state the general character of the work to be done, the amount of certified check required, and the time and place at which bids will be opened. The court of county commissioners shall require all bids to be sealed and to be accompanied by a certified check which shall bind the bidder to enter into a contract in the event of his being awarded the

work. If reasonable bids are received for doing the work, the contract shall be awarded to the lowest responsible bidder, provided that the court of county commissioners may reject all bids or they may reject the bid of any contractor who is inexperienced or incompetent or who is known to have a bad record in the performance of public work.

Sec. 4. That the court of county commissioners may enter into a contract with a contractor for the construction, repair or maintenance of any road, bridge or ferry, or any appurtenance thereto provided that all contracts for construction work be let under the preceding provisions of this act.

Sec. 5. That any contractor employed to construct or maintain any road, bridge, ferry, or any appurtenance thereto shall before entering upon the execution of such work execute a bond payable to the county of Limestone for twice the amount of the contract price; said bond to be made by a surety company approved by the court of county commissioners and conditioned upon the faithful performance of the contract, and the discharge of his duties thereunder.

Sec. 6. That if the county, any municipality, corporation or person is injured or damaged by the failure of such contractor to faithfully perform his contract and discharge his duties thereunder, an action may be maintained, under such bond, to recover such damages as they may have suffered.

Sec. 7. That the court of county commissioners shall have authority to purchase such materials, supplies, teams, and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of the public roads, bridges and ferries of the county. The county engineer shall prepare requisitions for such materials and supplies as will be needed for roads and bridges and shall obtain quotations from at least two dealers on each class of article required, and shall submit said requisition to the court of county commissioners. When such requisition is approved by the court of county commissioners, the county engineer shall be authorized to purchase such approved articles at prices not exceeding those specified in the requisition. The county engineer with the approval of the court of county commissioners shall be authorized to employ such assistant engineers, inspectors, rodmen, foreman, overseers, laborers, artisans and teams and to rent such equipment as may be necessary for properly carrying on the work of construction and maintenance of the public roads and bridges of the county. The county engineer

shall employ a sufficient number of persons to systematically drag each public dirt road in the county, as directed by the county engineer and the court of county commissioners; shall fix the price for dragging, so as to allow reasonable wages for the men and teams performing such service.

Sec. 8. That the county engineer shall require all bills, including estimates allowed contractors and allowances for salaries and expenses, be made in duplicate. He shall certify as to the correctness of each bill and shall file the duplicate of each bill in his office and will issue a warrant on the county treasurer for the amount of each bill certified by him, the bill and warrant to bear the same serial number. Before a warrant issued by the county engineer shall be payable it shall have been previously authorized and approved by the court of county commissioners and shall be presented, with its corresponding original bill, to the chairman of the court of county commissioners, who shall countersign said warrant, stamp same approved by the court of county commissioners and file the original bill in his office. This file and that in the county engineer's office shall be preserved as public records and they shall be delivered by the county engineer and the chairman of the court of county commissioners to their respective successors in office. The warrants issued by the county engineer in accordance with the provisions of this act, when countersigned by the chairman of and stamped approved by the court of county commissioners shall be paid by the county treasurer and charged to the county road and bridge fund.

Sec. 9. That the court of county commissioners, if they deem it advisable, may call upon the State highway engineer for advice upon any question connected with their road work, and such advice shall be furnished free of charge and the said court of county commissioners shall have authority to employ a special engineer to advise them upon any special problem when, in their judgment, the best interest of the public renders such advice necessary, and when a bridge of unusual size or type of construction is to be built the court of county commissioners are authorized to employ a special engineer to design and supervise its construction.

Sec. 10. That the county engineer shall prepare a map of the county showing the location of all public roads and indicating the character of improvements which have been made on each road. This map shall be revised and brought up to date monthly. A tracing of such map shall be made and deposited



for safe keeping in the vault of the probate office; and said tracing shall be brought up to date monthly.

Sec. 11. That the court of county commissioners shall, with the advice of the county engineer, classify all the public roads of the county into classes designated as first class, second class and third class roads. The lawful widths of rights of way of the several classes of roads shall be as follows: First class roads, 50 feet; second class roads, 40 feet; third class roads, 30 feet. The widths of traveled ways, the grades and character of improvement of each road shall be determined by the court of county commissioners in view of the requirements of traffic on each road; and the court of county commissioners may change the classification of any road or any specified part of a road at any time.

Sec. 12. That when a new road is to be constructed or the location of an existing road to be changed, the court of county commissioners shall pass a resolution directing the county engineer to make a preliminary survey for said road, describing the terminal points of the said survey and appointing a time at which the court of county commissioners will meet to hear objections to location of said road or its classification. As soon as practicable after the passage of such resolution, the county engineer shall stake out said road and prepare a map and profile of the same. The map shall show all buildings and fences within 200 feet of said road, and any other improvements which may affect the amount of damages which may be caused to property by the construction of said road. It shall also be the duty of the engineer to publish a notice to the effect that he has made surveys for said road; that the map and profile are on file in his office and subject to public inspection, and giving the time when the court of county commissioners will meet to hear objections to the location of said road or its classification. Such notice shall be given by publication in a newspaper of general circulation in the county, by posting a copy at the court house, and by posting one copy at each terminal point of the survey. The court of county commissioners shall meet at the court house at the time named in the said notice and after hearing objections to the location of said road or its classification, the said court of county commissioners may confirm said location, order it amended or abandoned, and said action shall be shown on its minutes.

Sec. 13. That the court of county commissioners may secure the right of way for roads by donations, purchase or by condemnation.

Sec. 14. That the court of county commissioners shall have the right, authority and power to condemn land for road purposes under the provisions of article 1, chapter 79 of the Code of Alabama, 1907, notwithstanding the fact that there may be other modes of proceeding by law for the condemnation of land for the establishment or change of roads; and such proceedings shall be conducted in the name of the county as petitioner, and the county shall provide for the payment of all charges in connection with the condemnation of land.

Sec. 15. That the convicts of the county may be worked upon the public roads, bridges, or ferries of the county or they may be worked under the direction of the court of county commissioners in quarries, gravel pits or any plant owned by the county and used for the production of road materials, although said quarry, pit or plant may be located in another county or said convicts may be hired to or from another county or from the State, or to contractors under contracts to be made between such contractors and the court of county commissioners or other county or the State.

Sec. 16. That convicts shall not be worked in squads or companies with other persons required by law to perform road duty.

Sec. 17. That the court of county commissioners of the county may enter into a joint agreement with the road authorities of one or more adjoining counties whereby the convicts of the several counties may be combined in one gang, provided that an equitable division of the time of the gang between the several counties shall be arranged. The several counties entering into such agreement may invest jointly in such equipment as may be necessary for properly working and caring for such joint convict gang.

Sec. 18. The court of county commissioners of Limestone county shall at the time of making the annual levy of taxes for general county purposes, levy a special tax on all the taxable property of the county of one-fourth of one per centum on the assessed value of such taxable property. Such tax shall be levied and collected for the purpose of paying any debt or liability now existing or that may hereafter be created, for the erection, construction or maintenance of necessary public buildings, bridges or roads, and such tax shall be levied and collected as other county taxes, which tax so levied and collected shall be applied exclusively to the purposes for which the same is so levied and collected.

Sec. 19. That all money received by the county from license taxes on automobiles shall be paid into the county road and bridge fund and used only for the construction and maintenance of public roads and bridges.

Sec. 20. That all male inhabitants of the county not under eighteen and not over forty-five years of age except those exempted by the following section shall be required to work on the public roads of the county during each year for ten days of eight hours each; provided that he may pay in lieu of such personal service the sum of \$5.00 per year to be paid to the judge of probate not later than the 15th day of July, said money to go into the county road and bridge fund, and shall be used only for the construction and maintenance of roads and bridges. The judge of probate shall furnish the county engineer with a list of persons who pay the per capita tax in lieu of personal service.

Sec. 21. That the following persons shall be exempt from road duty: All women and all men under the age of eighteen and over the age of forty-five years; any person who has lost an arm or leg; and all persons who by nature or disease are rendered incapable of performing hard labor, who shall procure a certificate of incapacity from the county board of health, sitting as a board.

Sec. 22. No person or hand is liable to work on any public road at a point on said road more than six miles from his residence, provided within this limit he may be required to work in any beat or precinct.

Sec. 23. That for the purpose of maintaining the public roads the court of county commissioners shall from time to time divide the county into a convenient number of road precincts and require the county engineer to appoint one or more overseers for each precinct. The term of office of said overseers shall be one year; but he may be discharged for neglect of duty or inefficiency. When a vacancy occurs in the office of overseer the county engineer shall appoint some person to fill out the unexpired term.

Sec. 24. That it shall be the duty of each overseer to take a census of the persons within the area assigned to him who are subject to road duty, giving age and color of each such person and the quarter section, farm or plantation on which he resides and to turn a list of such persons into the county engineer. Before entering upon his duties, each overseer shall subscribe to the statutory oath to faithfully perform his duties, which oath may be administered by the county engineer. The satis-

factory performance of these duties shall exempt said overseer from road work or service for the length of time he serves.

Sec. 25. That the county engineer will enter the names of all persons who are subject to road duty in a suitable ledger which shall have appropriate columns for credits of money or labor.

Sec. 26. That the county engineer shall apportion such hands as do not pay the per capita tax to the roads nearest their places of residence. He shall employ a sufficient number of overseers at a rate not to exceed \$2.00 per diem. The county engineer shall go with each overseer over the road apportioned to him and point out the work to be done, and will furnish him with a list of road hands who will work under his direction.

Sec. 27. Persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire and not for their own use or for the improvement of their farms, and persons regularly engaged in the business of hauling over the roads of the county shall pay a license of one and one-half dollars per month for each two horse wagon and three dollars per month for each four horse wagon so used in such hauling. It is not intended hereby to require a license for private hauling connected with or usual to the ordinary operation of a farm, or any one hauling cord or stove wood, whether for sale or not. It shall be unlawful to do any hauling herein forbidden without first procuring such license. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than (\$50.00) fifty dollars, to be paid in lawful money which fine when collected, shall be paid over to the road supervisor as part of the road fund.

Sec. 29. That all male inhabitants of the county between the ages of twenty-one and fifty years are subject to road duty under this act as overseers.

Sec. 30. That any overseer who fails to perform his duty as such under the provisions of this act shall be liable to prosecution and fined on conviction not less than ten dollars nor more than fifty dollars.

Sec. 31. It shall be the duty of every person, firm or corporation, land owner or agent employing hands to furnish the overseer upon his application a list of male hands in their employ or living on their lands, and failing so to do, such person, firm, corporation or land owner shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

Sec. 31½. Any apportioner, overseer or other person who fails to perform any duty required of him by this act, or by the general laws of the State not in conflict with this act, shall be guilty of a misdemeanor and on conviction must be fined not less than ten nor more than fifty dollars.

Sec. 31¾. A county road and bridge fund is hereby created for Limestone county, Alabama, into which fund shall be paid all moneys derived for roads and bridges in said county.

Sec. 32. That it shall be the duty of the court of county commissioners of Limestone county to have this act printed for use of said court and other courts of the county and for the officers herein named.

Sec. 33. That as soon as practicable the court of county commissioners shall prepare and adopt such rules and regulations, not in conflict with this law, for the construction, improvement and maintenance of roads and bridges as they shall deem most suitable for the requirements of and bring the most practicable results to the county.

Sec. 34. That within one year after the approval of this act the court of county commissioners shall cause to be erected at the intersection and crossing points of all roads, substantial sign boards with suitable device and lettering thereon to indicate the direction and distance to the nearest town or city.

Sec. 35. That all laws and parts of laws not in conflict with this act shall remain in full force and effect, and all "local or special" laws and parts of "local" laws in conflict with the provisions of this act are hereby repealed.

Approved September 14th, 1915.

No. 448.)

AN ACT

(H. 511—Lavery.)

To establish an inferior court in precinct 5, Talladega county, Alabama, in lieu of all justices of the peace in said precinct, and to define the jurisdiction and powers of said court and the judge thereof, to provide for the execution of processes of said court and the operation thereof, to provide for the appointment, election, term of office, qualifications and compensation of the judge thereof, and to abolish the offices of all justices of the peace in said precinct.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby established an inferior court in precinct 5, Talladega county, Alabama, which shall be known and designated as the inferior court of Talladega, which

shall be in lieu of all of the justices of the peace within said precinct. The said court shall have all the power and jurisdiction now conferred by law on justices of the peace in said precinct or that may hereafter be conferred by law on justices of the peace or on said court; and the judge of said court shall have and exercise all the power and authority and perform all the duties now prescribed by law or that may hereafter be provided by law for justices of the peace in said precinct. Said judge shall have the same rights and privileges and the same disabilities and penalties as now or may hereafter apply by law to justices of the peace.

Sec. 2. Be it further enacted, That there shall be a judge of said court. The said judge shall at the time of his appointment or election have been a resident of said precinct for at least one year, and shall at the time of his appointment or election be at least twenty-five years old, and shall within the State of Alabama have been admitted to practice law. He shall hold his office for a term of four years except as hereinafter otherwise provided, and until his successor is elected and qualified.

Sec. 3. Be it further enacted, That thirty days after the passage and approval of this act there shall be appointed by the Governor a judge for said court, who shall hold office until the next general election at which justices of the peace are elected, and until his successor is elected and qualified. At such general election, and every four years thereafter, there shall be elected by the qualified voters of said precinct 5 of Talladega county a judge for said inferior court of Talladega. Vacancies in the office of judge of said court shall be filled by appointment of the Governor, whose term of office shall be the unexpired term of his predecessor and until his successor is elected and qualified.

Sec. 4. Be it further enacted, That the judge of said court shall receive as compensation for his services the same fees now allowed justices of the peace or may hereafter be allowed justices of the peace for services in justice court, which fees shall be taxed and collected as now or may hereafter be provided by law.

Sec. 5. Be it further enacted, That the constable of precinct 5, and the sheriff of Talladega county shall be deemed officers of said court and shall receive as compensation for their services rendered in and about proceedings in said court the same fees which are now or may hereafter be by law allowed for such services in justice of the peace courts.

Sec. 6. Be it further enacted, That all laws affecting or regulating the practice of courts of justices of the peace in Talladega county shall be applicable to the court hereby established.

Sec. 7. Be it further enacted, That the laws regulating appeals and certiorari cases from courts of justice of the peace in Talladega county shall apply to the appeals and certiorari cases from the court established by the provisions of this act.

Sec. 8. Be it further enacted, That said court shall have jurisdiction in all civil cases to the amount of one hundred (\$100.00) dollars, except in cases of libel, slander, assault and battery, and ejectment, and shall have and exercise all the jurisdiction in criminal cases or offenses where justices of the peace now have jurisdiction, and to issue all such processes, both civil and criminal as are by law now authorized to be issued by justices of the peace or that may hereafter be by law conferred upon justices of the peace. The judge of said court, may punish for contempt the same as now or hereafter provided in justice of the peace courts.

Sec. 9. Be it further enacted, That ninety days after the appointment of said judge the terms of office of all of the justices of the peace and notaries public ex-officio justice of the peace in said precinct shall expire and the offices of all justices of the peace and notaries public ex-officio justice of the peace in said precinct shall be abolished, and it shall be the duty of the incumbent of those offices to surrender their dockets, official papers and records of all kinds to the said judge; and all proceedings pending upon any such docket shall be carried forward by the judge of the court hereby established as if originally filed before him, all costs owing to justices of the peace whose office is hereby abolished shall, when collected by the judge of the hereby established court, be paid over to the officers to whom the same is due.

Sec. 10. Be it further enacted, That the judge of said court shall before the beginning of his term execute bond in such sum and conditioned in the same manner as required of justices of the peace. The judge of said court shall not be disqualified from practicing in any of the courts of this State except the inferior court of Talladega.

Sec. 11. Be it further enacted, That in the absence, disqualification or inability of the judge of said court, he shall appoint, in writing, a special judge who shall possess the qualifications herein provided for said judge, to act for and in the place of the regular judge.

Sec. 12. Be it further enacted, That the judge of said court shall be liable to impeachment for the same causes and in the same manner as now or hereafter provided by law for justices of the peace.

Sec. 13. Be it further enacted, That if any section or provision of this act shall be declared to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provision therein, which is not in and of itself void or unconstitutional.

Sec. 14. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 14, 1915.

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No. 449.)

(H. 915—Weakley.

### AN ACT

To provide for the payment and retirement of claims against the fine and forfeiture fund of Jefferson county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the board of revenue of Jefferson county is hereby authorized from time to time, as it may deem fit, to accept tenders for the sale of claims against the fine and forfeiture fund of said county; to fix the date upon which payment shall be made for all claims so tendered and accepted. All such tenders shall be in writing, shall state the amount of claims offered, and the lowest price at which the party offering the same will sell to the county, and all such tenders shall be open to public inspection, and shall not be accepted by the said board of revenue except in sessions open to the public, and at the lowest price offered, and may reject all bids.

Sec. 2. That the board of revenue of Jefferson county is hereby authorized to purchase all claims tendered to it, as provided in section 1 of this act, at a price not exceeding eighty five cents on the dollar, and to pay for same in cash out of the general fund of the treasury of said county; or may issue to parties tendering such claims in lieu of cash payment, warrants on the county treasury of said county, which may bear interest from date at a rate not exceeding three per centum per annum, payable semi-annually, provided the total amount of such warrants maturing in any one year shall not exceed the



sum of sixty thousand dollars, and provided that such warrants shall not run for a longer period than five years from date of issue.

Sec. 3. The board of revenue of Jefferson county is hereby authorized and required during the term of two years, beginning on the first Monday after the second Tuesday in January, 1917, to place fifty per centum of the fees, charges and commissions of all officers of said county who shall have been placed, and who may then be on a salary basis, in the fine and forfeiture fund of said county; such fees, charges, and commissions to be the same as by law may pertain to such offices; and after the expiration of such two years, the said board of revenue is hereby authorized and required to place all the net revenue which shall be derived from such fees, charges and commissions of all county officers who shall have been placed on a salary basis in said fine and forfeiture fund, which fund shall be subject to the payment of all valid claims against such fund until all outstanding claims against said fine and forfeiture fund shall have been liquidated, after which time such fees, charges and commissions shall be paid into the general fund of said county.

Sec. 4. That when the tenders of claims against the fine and forfeiture fund of said county shall have been exhausted, said board of revenue may accept further tenders in the manner herein provided until all valid claims against such fund shall have been paid, and when such claims shall have been surrendered to the board of revenue, the same shall be cancelled and shall not thereafter be re-issued.

Approved September 10, 1915.

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No. 450.)

(H. 1099—Smith of Crenshaw.

### AN ACT

To provide for the payment of witnesses before the grand juries and State witnesses in all criminal cases, and of the sheriff of the county of Crenshaw and clerks of the circuit court and the county court in and for said county, in criminal cases where the State fails to convict, out of the general fund of Crenshaw county.

*Be it enacted by the Legislature of Alabama:*

1. That after the passage of this act, witnesses before the grand juries and State witnesses in all criminal cases, and fees

of the sheriff of the county of Crenshaw, the clerks of the circuit court and the county court in and for said county, in criminal cases where the State fails to convict, shall be paid out of the general fund of said county as hereinafter provided. Provided, that the witness fees shall be fifty cents per day and two and one-half cents per mile under the provisions of this act.

2. That it shall be the duty of the clerk of the court of county commissioners of said county, on presentation of certificates issued, after the passage of this act, to witnesses before grand juries and State witnesses in all criminal cases, as required by law, to draw his warrant on the county treasurer for the amount of such certificates. And it shall be the duty of the treasurer to pay the same out of the general fund of said county.

3. After the adjournment of the county court and the circuit court of Crenshaw county, the sheriff and clerks of said courts shall file with the court of county commissioners of said county a statement of all cases finally disposed of, where the State failed to convict, showing the items of cost due them, the name of the defendant and the charge against them. Said statement shall be sworn to by the officer making same. If the court finds the account correct they shall order a warrant drawn on the county treasurer for the amount of such account. And it shall be the duty of the treasurer to pay the same out of the general fund of said county.

4. The court of county commissioners shall keep a separate warrant record book, in which shall be entered all warrants drawn on the county treasurer under the provisions of this act.

5. For the purpose of ascertaining the amount of witness fees of the sheriff and clerks, justly due by the county, the judge of the circuit court of Crenshaw county, and of the county court in and for said county shall have the power and authority upon motion made in term time, to retax the cost in all cases.

6. All amounts paid out by the county under the provisions of this act, shall be prior claims against the fine and forfeiture fund of said county.

7. All laws or parts of laws, general, special or local in conflict with the provisions of this act, be and the same are hereby repealed.

Approved September 10, 1915.

No. 451.)

(H. 1227—Smith of Autauga.

## AN ACT

For the relief of B. W. Gresham, former treasurer of Autauga county, Alabama, and the sureties on his official bond.

*Whereas*, suit has been brought by the solicitor of the fifteenth judicial circuit in the circuit court of Autauga county, Alabama, against B. W. Gresham, former treasurer of Autauga county, Alabama, and the sureties on his official bond to recover for Autauga county certain and various sums of money paid by said treasurer in the regular performance of his duties as such for telephone service for the jail and court house of Autauga county, and various sums of money for interest on debts due by said county for public improvements. And,

*Whereas*, the board of revenue of Autauga county has heretofore passed a resolution relieving said B. W. Gresham of any liability therefor. And,

*Whereas*, said cause is now pending in said circuit court. Therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That the solicitor for the fifteenth judicial circuit of Alabama, who has instituted said suit against said B. W. Gresham and the sureties on his official bond, be and he is hereby authorized and empowered to dismiss said cause upon condition that the defendant in said cause pay the costs accrued therein.

Sec. 2. That when said suit is dismissed as provided in the preceding section of this act, it shall be a complete and adequate discharge of all liability of said B. W. Gresham and the sureties on his official bond for and on account of the claim contained in said action; and the resolution passed by the said board of revenue of Autauga county in relation thereto is hereby in all things ratified and confirmed.

Became a law under section 125 of the Constitution.

No. 452.)

(H. 1225—Smith of Autauga.

## AN ACT

For the relief of Joe A. Chambliss, former sheriff of Autauga county, Alabama, and the sureties on his official bond.

*Whereas*, suit has been brought by the solicitor of the fifteenth judicial circuit in the circuit court of Autauga county, Alabama, against Joe A. Chambliss, former sheriff of Autauga

county, Alabama, and the sureties on his official bond to recover for Autauga county certain and various sums of money collected by said sheriff in the regular performance of his duties as such for services performed by him in behalf of the county of Autauga. And,

*Whereas*, the board of revenue of Autauga county has heretofore passed a resolution relieving said Joe A. Chambliss of any liability therefor. And,

*Whereas*, said cause is now pending in said circuit court. Therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That the solicitor for the fifteenth judicial circuit of Alabama who has instituted said suit against the said Joe A. Chambliss and the sureties on his official bond, be and he is hereby authorized and empowered to dismiss said cause upon condition that the defendant in said cause pay the costs accrued therein.

Sec. 2. That when said suit is dismissed as provided in the preceding section of this act, it shall be a complete and adequate discharge of all liability of said Joe A. Chambliss and the sureties on his official bond for and on account of the claims contained in said action; and the resolution passed by the board of revenue of Autauga county, in relation thereto is hereby in all things ratified and confirmed.

Became a law under section 125 of the Constitution.

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No. 453.)

(H. 1224—Smith of Autauga.

#### AN ACT

For the relief of George S. Livingston, former judge of probate of Autauga county, Alabama, and the sureties on his official bond.

*Whereas*, suit has been brought by the solicitor of the fifteenth judicial circuit in the circuit court of Autauga county, Alabama, against George S. Livingston, former judge of probate of Autauga county, Alabama, and the sureties on his official bond to recover for Autauga county certain fees collected by said judge of probate in the regular performance of his duties as such for the issuance of citations to tax payer. And,

*Whereas*, the board of revenue of Autauga county has heretofore passed a resolution relieving said George S. Livingston of any liability therefor. And,

*Whereas*, said cause is now pending in said circuit court. Therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That the solicitor for the fifteenth judicial circuit of Alabama, who has instituted said suit against said George S. Livingston and the sureties on his official bond, be and he is hereby authorized and empowered to dismiss said cause upon condition that the defendant in said cause pay the costs accrue therein.

Sec. 2. That when said suit is dismissed as provided in the preceding section of this act, it shall be a complete and adequate discharge of all liability of said George S. Livingston and the sureties on his official bond for and on account of the claims contained in said action; and the resolution passed by the said board of revenue of Autauga county in relation thereto is hereby in all things ratified and confirmed.

Became a law under section 125 of the Constitution.

No. 454.)

(H. 973—Gordon,

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AN ACT

To provide for the further protection of fish, to prevent the taking, catching, having in possession, selling, or offering for sale, fish of the fresh water species at any time between the first day of April and the 15th day of June, of each year, and to provide penalties for the violation of this act, in Escambia county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That it shall be unlawful for any person to catch or attempt to catch, to sell or offer for sale, or to have in his possession in Escambia county any fish of the fresh water species at any time between the first day of April and the 15th day of June, of each year.

Sec. 2. That it shall be unlawful for any person at any time to use any net, seine, basket or trap, or any devise or substitute for the same, for the purpose of catching or attempting to catch or take, or to kill, or attempt to kill, by means of dynamite or any other explosive whatsoever, any fish in any of the waters, whether rivers, lakes, creeks, streams or lagoons, in Escambia county.

Sec. 3. Any person violating any one of the provisions of the two preceding sections shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars for each offense.

Sec. 4. That all laws and parts of laws, whether general, local or special, in conflict with provisions of this act, be and the same are hereby repealed, but all laws, whether general, local or special not in conflict with this act are not intended to be repealed, or in any manner affected by this act.

Approved September 10, 1915.

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No. 455.)

(H. 1204—Knight.

AN ACT

To require the county treasurer of Hale county, Alabama, to transfer on the 15th of March and 15th of September in each year, the balance above three hundred dollars from the fine and forfeiture fund to the credit of the general fund of said county of Hale.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the county treasurer of Hale county, Alabama, shall on the 15th of March and 15th of September in each year, transfer from the fine and forfeiture fund of said county the balance to the credit of said fund above three hundred dollars to the credit of the general fund of said county. Said treasurer retaining at the time of such transfer three hundred dollars in said fine and forfeiture fund.

Approved September 10, 1915.

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No. 456.)

(H. 1226—Smith of Autauga.

AN ACT

For the relief of George C. Spigener, former treasurer of Autauga county, Alabama, and the sureties on his official bond.

*Whereas*, suit has been brought by the solicitor of the fifteenth judicial circuit in the circuit court of Autauga county, Alabama, against George C. Spigener, former treasurer of Autauga county, Alabama, and the sureties on his official bond to recover for Autauga county certain and various sums of money paid out by him as such treasurer for telephone service to the county court house and jail of said county of Autauga, interest on debts of the county for public improvements, and money paid to the superintendent of education for which he has had no

credit, all in regular performance of his duties as such treasurer. And,

*Whereas*, the board of revenue of Autauga has heretofore passed a resolution relieving said George C. Spigener of any liability therefor. And,

*Whereas*, said cause is now pending in the circuit court of said county of Autauga, therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That the solicitor for the fifteenth judicial circuit of Alabama, who has instituted said suit against the said George C. Spigener and the sureties on his official bond, be and he is hereby authorized and empowered to dismiss said cause upon condition that the defendant in said cause pay the costs accrued therein.

Sec. 2. That when said suit is dismissed as provided in the preceding section of this act, it shall be a complete and adequate discharge of all liability of said George C. Speigner and the sureties on his official bond for and on account of the claim contained in said action; and the resolution passed by the said board of revenue of Autauga county in relation thereto is hereby in all things ratified and confirmed.

Became a law under section 125 of the Constitution.

No. 457.)

(H. 1320—Ward.

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AN ACT

To further regulate the payment of fine and forfeiture fund script of Henry county, and to provide notice thereof.

*Be it enacted by the Legislature of Alabama:*

Section 1. That hereafter when there is any money in the hands of the county treasurer of Henry county, with which he can pay the outstanding registered script of fine and forfeiture of said county, it shall be the duty of said treasurer to advertise the registered numbers of said script to which he is able to pay, provided said script are not presented to said treasurer for payment within six months after the money with which they can be paid comes into his hands, and it shall be the duty of those who hold the script numbered for payment by such advertisement to present them to said treasurer for payment within sixty days after such advertisement.

Sec. 2. *Be it further enacted*, That if such claims are not presented within sixty days, the treasurer shall apply the mon-

ey in hand to succeeding registered claims due, and those claims which would have been paid if presented within sixty days under the advertisement, shall be re-registered, if presented within six months after the advertisement first appears; if not presented within that time for re-registration, they shall be forever barred.

Sec. 3. *Be it further enacted*, That the advertisement required under this act shall be by insertion for three consecutive weeks in some newspaper published in said county; or if there is no newspaper in said county, by posting notice at three public places in the county, one of said places to be at the court house of the county.

Sec. 4. *Be it further enacted*, That the cost of such advertisement shall be paid out of the money to the credit of the fine and forfeiture fund then in the hands of the county treasurer.

Sec. 5. *Be it further enacted*, That all laws and parts of laws in conflict with this act shall be and the same is hereby repealed.

Approved September 10, 1915.

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No. 458.)

(H. 1229—Smith of Autauga.

### AN ACT

For the relief of certain former county officials of Autauga county, and the sureties on their respective official bonds.

*Whereas*, suits have been brought by the solicitor of the fifteenth judicial circuit in the circuit court of Autauga county, against the following former officials of said county, and the sureties on their respective bonds, to-wit: George S. Livingston, former judge of probate, Joe A. Chambliss, former sheriff, B. W. Gresham, former treasurer, George C. Spigener, former treasurer, and Thomas W. Smith, former clerk of the circuit court of said county, to recover from each of said former officials certain fees collected by them or money paid by them for the use of the county, respectively in the regular performance of their official duties, and, whereas, the board of revenue of Autauga county has heretofore passed a resolution relieving each of said parties from any liability, therefore. And,

*Whereas*, said causes are now pending in said circuit court. Therefore,



*Be it enacted by the Legislature of Alabama:*

Section 1. That the solicitor of the fifteenth judicial circuit of Alabama, who has instituted said suits against George S. Livingston, former judge of probate, Joe A. Chambliss, former sheriff, B. W. Gresham, former treasurer, George C. Spigner, former treasurer, and Thomas W. Smith, former clerk of the circuit court of said county of Autauga, and the sureties on their respective official bonds, be and he is hereby authorized and empowered to dismiss each of said causes upon condition that the defendants in each of said causes pay the costs accrued therein.

Sec. 2. That when said causes are dismissed as provided in the preceding section of this act, it shall be a complete and adequate discharge of all liability of each of said former officials and the sureties on the respective official bonds of each for and on account of the claim contained in said actions; and the resolution passed by the board of revenue of said county in relation thereto is hereby ratified and in all things confirmed.

Became a law under section 125 of the Constitution.

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No. 460.)

(H. 1228—Smith of Autauga.

AN ACT

For the relief of Thomas W. Smith, former clerk of the circuit court of Autauga county, Alabama, and the sureties on his official bond.

*Whereas*, suit has been brought by the solicitor of the fifteenth judicial circuit in the circuit court of Autauga county, Alabama, against Thomas W. Smith, former clerk of the circuit court of Autauga county, Alabama, and the sureties on his official bond to recover for Autauga county certain and various sums of money collected by him for services performed for the county of Autauga in the regular performance of his duties as such clerk, and,

*Whereas*, the board of revenue of Autauga county has heretofore passed a resolution relieving said Thomas W. Smith of any liability therefor; and,

*Whereas*, said cause is now pending in said circuit court. Therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That the solicitor for the fifteenth judicial circuit of Alabama who has instituted said suit against said Thomas W. Smith and the sureties on his official bond be and he is hereby authorized and empowered to dismiss said cause upon condition that the defendant in said cause pay the costs accrued therein.

Sec. 2. That when said suit is dismissed as provided in the preceding section of this act, it shall be a complete and adequate discharge of all liability of said Thomas W. Smith and the sureties on his official bond for and on account of the claims contained in said action; and the resolution passed by the said board of revenue of Autauga county in relation thereto is hereby in all things ratified and confirmed.

Became a law under section 125 of the Constitution.

No. 461.)

(H. 1261—Scott.

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AN ACT

To abolish the office of clerk of the inferior court of Ensley for precinct 45 of Jefferson county, Alabama.

*Be it enacted by the Legislature of Alabama:*

1st. That the office of clerk of the inferior court of Ensley in and for precinct No. 45 of Jefferson county, Alabama, as provided for and created by act of the Legislature approved August 9th, 1907, be and the same is hereby abolished and discontinued.

2nd. That the provisions of this act take effect ten days after its enactment and approval.

Approved September 10, 1915.

No. 462.)

(H. 1100—Smith of Crenshaw.

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AN ACT

To regulate the fine and forfeiture fund of Crenshaw county, and provide for the registration and payment of claims against said fund.

*Be it enacted by the Legislature of Alabama:*

1. That it shall be the duty of the court of county commissioners of Crenshaw county, within ten days after the passage

of this act, to give notice by advertisement in some newspaper published in the town of Luverne, and by posting notice at the court house door of said county for thirty days, notifying all persons holding claims, whether registered or unregistered, against the fine and forfeiture fund of said county, to register the same with the court of county commissioners on or before the first Monday in January, 1916, and if not so registered, said claims shall be forever barred.

2. All fines and forfeitures collected, the hire of county convicts, all moneys received from the State, or collected by the clerks of the circuit and county courts or other officer, on account of witness fees and solicitor's fees shall be paid into and constitute the fine and forfeiture fund of said county.

3. It shall be the duty of the court of county commissioners to record in a well bound book, all claims presented for registration, showing in each case the name of the owner of such claim, the date and amount of same. Such book shall be a public record and shall be preserved by the court of county commissioners of said county.

4. It shall be the duty of the court of county commissioners of said county on the first Monday in April, and the first Monday in October of each year to ascertain the total amount paid out of the general fund beginning with the oldest of said county after the passage of this act, on account of witness fees and officer's fees; and order a warrant drawn on the fine and forfeiture fund for the amount so paid out, and the court shall place same to the credit of the general fund of said county. The surplus remaining in the fine and forfeiture fund shall be applied to the payment of registered claims against said fund.

6. That after the passage of this act, all fines, forfeitures, hire of convict labor, or anything pertaining to said fine and forfeiture fund shall be paid only in lawful currency of the United States and in nothing else, and all moneys which accrue to said fund in said county, and which may be collected by any sheriff, clerk, judge of probate, justice of the peace, notary public, constable, coroner or other officer, shall be paid to the county treasurer, and any officer who collects any such moneys and willfully fails for more than thirty days to pay the same to the county treasurer, shall be guilty of a misdemeanor.

7. After all claims registered under the provisions of this act are paid in full, compromised or settled, the fine and forfeiture fund of said county shall be abolished and merged into the general fund.

8. That all laws or parts of laws, general, special or local, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved September 10, 1915.

No. 463.)

(H. 1201—Welch.

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AN ACT

To require the board of revenue of Jefferson county to pay over each month out of the general fund of said county to the secretary of the Birmingham Bar Association or to some person to be designated by the judges of the courts of record of Jefferson county the sum of one hundred fifty dollars for the maintenance of a public law library in the city of Birmingham and to provide for the disposition of such money.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the maintenance of a public law library in the city of Birmingham is for the purposes of this act hereby declared to be a county matter.

Sec. 2. That the board of revenue of Jefferson county shall pay over each month to the secretary of the Birmingham bar association out of the general fund of said county the sum of one hundred fifty dollars for the use of the law library of the said association by the public so long as the said association shall maintain a library in the city of Birmingham, open to the free use of the public which said association shall before beginning to receive the said funds agree by resolution or otherwise to allow the public a free use of its library provided that nothing in this act shall be construed as preventing the said Birmingham Bar Association from requiring the payment of dues from its members and other persons for the privilege of taking books from the library rooms, or from enforcing reasonable rules and regulations concerning the use of said library.

Sec. 3. That if at any time the said Birmingham Bar Association shall cease to maintain such library or cease to allow the use thereof to the public as provided in section two of this act then the judges of the courts of record of said county shall meet and by proper order direct the person to whom the board of revenue of said county shall pay over each month the said sum of one hundred and fifty dollars and shall direct likewise from time to time the disposal or expenditure of the said funds so as to carry out the purposes of this act, and to provide a public law library as contemplated in this act and it shall thereupon be the duty of the board of revenue of said county to pay over each month the said sum of one hundred fifty dollars from

the general fund of said county to said person so designated by the said judges and said designated person shall expend said fund for the acquisition of maintenance of a public law library under the supervision of and as directed by the orders of said judges.

Approved September 10, 1915.

No. 466.)

(H. 1194—Rogers of Elmore.

### AN ACT

To divide Elmore county, Alabama, into four commissioners' districts and to provide for the election of the commissioners from each of said districts.

*Be it enacted by the Legislature of Alabama:*

Section 1. That Elmore county is hereby divided into four commissioners districts to be known and called commissioners districts 1, 2, 3 and 4.

Sec. 2. That district one in said county shall be composed of and embrace beats one, two, three, fifteen and nineteen. That district two in said county shall be composed of and embrace beats four, five, eight and thirteen. That district three in said county shall be composed of and embrace beats six, seven, eleven and twelve. That district four in said county shall be composed of and embrace beats nine, ten, fourteen, sixteen, seventeen and eighteen, and only one county commissioner for the county of Elmore shall be elected from each of said commissioners district.

Sec. 3. That the county commissioners from each district shall be nominated by the qualified voters of the said district in which they reside, and after their nomination by the qualified electors of their district only, they shall be elected as provided by law by the qualified voters of the entire county.

Sec. 4. That this act shall not affect the right of tenure of office of the present county commissioners of Elmore county, but said commissioners shall continue to hold and discharge their duties of their office until their successors are elected and qualified under this act.

Sec. 5. *Be it further enacted*, That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Approved September 14, 1915.

No. 468.)

(H. 913—Weakley.

## AN ACT

To fix the compensation or salaries to be paid the sheriff, the judge of probate, the tax collector, the tax assessor, the clerk of the circuit court, the clerk of the criminal court, and the register in chancery of Jefferson county, and to regulate the payment of the same; to provide for the selection of clerical and other assistance to said officers, and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the conduct and operation of such offices made necessary by changing the method and basis of compensation of such officers, and to prescribe when said act shall go into effect.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the method and basis of compensation of the following officers of Jefferson county, to-wit, the sheriff, the judge of probate, the tax collector, the tax assessor, the clerk of the circuit court, the clerk of the criminal court, and register in chancery of said county be changed, and that said officers be paid an annual salary, which shall be paid to and received by the said officers in lieu of all other compensation, fees or emoluments as follows: The sheriff shall receive an annual salary of six thousand dollars. The judge of probate shall receive an annual salary of six thousand dollars, and the tax collector and tax assessor shall each receive an annual salary of four thousand dollars, and the clerk of the circuit court, the clerk of the criminal court, and the register in chancery shall each receive an annual salary of thirty-six hundred dollars, which said annual salary shall be paid out of the county treasury in equal monthly installments at the end of each month.

Sec. 2. That when this act goes into effect, the cost, charges of courts, fees and commissions now authorized by law to be collected and retained by the several officers of Jefferson county above named, shall continue to be collected, but shall be paid into the county treasury by the officer collecting the same, as other monies belonging to the county are paid.

Sec. 3. The board of revenue of Jefferson county is authorized and empowered to provide for sufficient clerical and other assistance, to and deputies of the said officers, and to fix their compensation and to provide how they shall be paid; provided that the circuit judges shall fix the number of clerks and assistants in the office of the clerk of the circuit court. The compensation of the assistants and deputies and all other officers affected by this bill to be fixed by the board of revenue; but the selection of such deputies and assistants shall be left to the officers under whom they are employed, and said officers

shall have the right to discharge said deputies and assistants at will. The board of revenue is authorized to adopt rules and regulations for the conduct and operation of all such officers made necessary by changing the method and basis of compensation under this act.

Sec. 4. That the amount to be paid any county officer of Jefferson county by way of an allowance or salary, shall not exceed the amount of the fees, charges, and commissions earned and collected by such officer, and paid into the treasury during his term of office less the cost of the conduct and operation of such office, including the premium on the bond of such officer, which shall be considered as part of the expense of the operation of such office, and shall be paid for by the county. Provided that the board of revenue may pay the monthly salaries of the officials mentioned in this act in anticipation of fees actually earned for services rendered.

Sec. 5. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 6. That this act shall go into effect upon the expiration of the term of office of the several officers herein named.

Approved September 14, 1915.

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No. 474.)

(H. 1092—Davie.

### AN ACT

To make the clerk of the circuit court of Bibb county, Alabama, ex officio clerk of the county court of said county, and to provide for a bond as such clerk.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the clerk of the circuit court of Bibb county, Alabama, be and he is hereby made ex-officio clerk of the county court of said county.

Sec. 2. That the official bond of the said clerk of the circuit court be and the same is hereby made responsible for any and all acts of said clerk done as clerk of the county court in the same manner in all respects as such bond is now by law responsible for the acts of said clerk as clerk of the circuit court.

Sec. 3. That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved September 15, 1915.

No. 475.)

(H. 1332—Smith of Crenshaw.

## AN ACT

To authorize the court of county commissioners of Crenshaw county, Alabama, to pay the clerk of the circuit court of said county two dollars per day, as a preferred claim, out of the general fund of said county, during term time of said circuit court of said county, for the purpose of paying an assistant to record the minutes of said court and to assist him otherwise in the discharge of his duties as such clerk while said court is in session.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Crenshaw county, Alabama, be and it is hereby authorized to pay the clerk of the circuit court of said county two dollars per day, as a preferred claim, out of the general fund of said county, during term time of said circuit court of said county, for the purpose of paying an assistant to record the minutes of said court, and to assist him otherwise in the discharge of his duties as such clerk while said court is in session.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved September 15, 1915.

No. 476.)

(H. 1434—Grayson of Mobile.

## AN ACT

To prevent any person from hauling logs or timber on a two wheel vehicle over the improved highways of Mobile county, making the violation of such act a misdemeanor, and providing that the act take effect from and after its passage and approved by the Governor.

*Be it enacted by the Legislature of Alabama:*

Section 1. That it shall be unlawful for any person to haul timber or logs on a two wheel vehicle over any of the improved highways of Mobile county, Alabama.

Sec. 2. That any person who violates the provisions of section 1. of this act, shall be deemed guilty of a misdemeanor. That this act shall take effect from and after its passage and approval by the Governor.

Approved September 15, 1915.



No. 478.)

(H. 1578—Chamberlain.

## AN ACT

To provide guards for the Mobile county jail and to fix their compensation; to repeal the act approved March 5th, 1903, entitled: "An act to provide guards for the Mobile county jail;" and to repeal the act approved November 23rd, 1907, entitled: "An act to provide for guards for the Mobile county jail."

*Be it enacted by the Legislature of Alabama:*

Section 1. That the sheriff of Mobile county be, and he hereby is, authorized to employ and keep in his service four prison guards, who shall perform such duties at the Mobile county jail as may be from time to time assigned to them by the sheriff of Mobile county, by whom they shall be employed and discharged, and that two of the said guards shall receive a salary of fifty dollars (\$50.00) per month each, and two of the said guards shall receive a salary of seventy-five dollars (\$75.00) per month each, to be paid out of the treasury of the county of Mobile.

Sec. 2. *Be it further enacted*, That the act approved March 5th, 1903, entitled: "An act to provide guards for the Mobile county jail" be, and the same is hereby repealed.

Sec. 3. *Be it further enacted*, That the act approved November 23rd, 1907, entitled: "An act to provide for guards for the Mobile county jail" be, and the same hereby is, repealed.

Approved September 15, 1915.

No. 493.)

(S. 362—Bulger.

## AN ACT

To authorize the court of county commissioners of Tallapoosa county to borrow money not exceeding twenty-five thousand dollars and to pay interest thereon.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Tallapoosa county, be, and is hereby authorized to borrow money not to exceed in amount twenty-five thousand dollars, and to pay interest thereon, and for such purpose to execute county warrants or such other obligations as said court may prescribe

and in such sums as may be desired. They may also issue separate obligations for the interest on said loan provided that no loan contracted under this act shall run for a longer period than three years. Provided that said commissioners court shall not pay more than six per cent, per annum interest for said loan and that said money so borrowed shall be used in the construction of the public road and bridges in Tallapoosa county, known as the Dadeville and Tallassee highway and none other.

Sec. 2. That all laws and parts of laws, both local and general, in conflict with the provisions of this act be, and the same are hereby repealed.

Sec. 3. That this act shall go into effect immediately upon its approval by the Governor.

Approved September 16, 1915.

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No. 496.)

(S. 827—Kline.

AN ACT

To authorize the court of county commissioners of Calhoun county to appropriate funds for aiding farm demonstration, animal industry, domestic science and all other work for improving farm life, and organizing farm club life.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the county commissioners of Calhoun county are hereby authorized to appropriate and expend such sum or sums of money as they may deem adequate and necessary for the work of farm demonstration, animal industry, or the organization of farm club life, or teaching domestic science, home comforts, canning and all of the arts that aid women on the farm, to the amount of two thousand dollars in any one year.

Sec. 2. That said appropriation may be paid as follows, viz.: One thousand dollars to a man for farm demonstration and animal industry work, and one thousand dollars to a woman for organizing farm life clubs, teaching domestic science, home comforts, canning and all of the arts that aid women on the farm.

Sec. 3. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved September 16, 1915.

No. 497.)

(S .851—Thach.

## AN ACT

To appropriate the sum of \$1,073.75 from the appropriation to the general educational fund for Limestone county, for scholastic year beginning October 1st, 1915, for the reimbursement of W. H. McClellan, former superintendent of education for Limestone county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the State auditor of Alabama is hereby authorized and directed to draw his warrant upon the treasury of Alabama in favor of W. H. McClellan, ex-superintendent of education for Limestone county, Alabama, for the sum of \$1,073.75, the same being the amount said McClellan was required to pay teachers in the public schools of said county on contracts made in excess of the appropriation to said county from the general educational fund for the scholastic year 1912-13, as shown by the report of the examiner of public accounts, settlement for the same having been made in full; provided, that the treasurer shall pay said warrant out of the annual appropriation to Limestone county for the general educational fund for the scholastic year beginning October 1, 1915.

Approved September 16, 1915.

No. 508.)

(S. 438—Hartwell.

## AN ACT

To alter and re-arrange the boundaries of the city of Mobile in the State of Alabama.

*Be it enacted by the Legislature of Alabama:*

1. That from and after the passage of this act, the boundaries of the city of Mobile, Alabama, shall be altered and re-arranged so as to be as follows: Commencing at the south bank of three mile creek at its mouth; thence running east to the east bank of Spanish river; thence down the east bank of said river to the extreme southern point of the island; thence south to a point which will intersect the south boundary of township four south; thence west along a line to a point which is due south of a point on the south line of Government street,

which point on said south line of Government street is ten and one-half feet eastwardly of the southeast corner, or intersection, of Government street and Mary's lane, as measured along the south line of Government street; said point on said line of Government street being now designated by a concrete monument; thence from said point on said south boundary line running due north along a line to a point which is two hundred feet south of the south line of Government street as measured on a line running due north and south; thence from said point which is two hundred feet south of said south line of Government street running westwardly along a line parallel with the south line of Government street to a point which is twenty-five feet north-eastwardly from the most northerly rail of the main line of track, as now located, of that certain railroad known, or lately known, as the New Orleans, Mobile and Chicago Railroad, said distance of twenty-five feet from said rail to said point being measured along a line parallel with the south line of Government street; thence from said point running northwardly along a line twenty-five feet northwardly from and parallel with the said northerly rail of the main track of said railroad, now, or lately known as the New Orleans, Mobile and Chicago Railroad to a point on the east line of Fulton street; thence northwardly along the east line of Fulton street to the south line of Old Shell Road; thence eastwardly along the south line of Old Shell Road to a point, which is due north of a point on the south line of Government street, which said point on said line of Government street is ten and one-half feet eastwardly of the southeast corner, or intersection, of Government street and Mary's lane, as measured along the south line of Government street, said point on said line of Government street being now designated by a concrete monument; thence from said point on the south line of Old Shell Road running due north to a point at the south bank on three mile creek; thence down the said south bank of said three mile creek to the place of beginning.

2. *Be it further enacted*, That the boundaries set out in section one be, and the same are hereby established as the corporate limits of the city of Mobile, a municipal corporation in Mobile county, Alabama.

3. *Be it further enacted*, That all laws or parts of laws, in conflict with this act, be and the same are hereby repealed.

Approved September 16, 1915.

No. 510.)

(S. 787—Wallace.

## AN ACT

To annul, remit and cancel, an alleged indebtedness, claimed by the county of Shelby, against A. H. Merrell in a suit pending in the circuit court of said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the alleged indebtedness claimed by the county of Shelby against A. H. Merrell, in a suit pending in the circuit court of said county, wherein the said county is plaintiff and the said A. H. Merrell, is defendant is neither a legal, valid, or moral obligation, or liability of said A. H. Merrell to said county, and is null and void as such.

Sec. 2. *Be it further enacted*, That said claims being neither a valid, legal, or moral obligation, or liability, the same is hereby remitted, annulled and cancelled, and the said A. H. Merrell, is hereby forever released, and discharged from the payment of same.

Became a law under section 125 of the Constitution.

No. 513.)

(S. 796—Pride.

## AN ACT

To create a court to be known and called the inferior criminal court of Madison county, to provide that the judge of the inferior court of Huntsville shall be ex-officio the judge of said court, and the clerk of the circuit court of Madison county, the ex-officio clerk of said court, that the solicitor of said county, if there be one, or the circuit solicitor or his deputy, shall represent the State in said court, that causes be appealed from said court to the Supreme or Appellate Court. Providing that the compensation of judge, clerk and solicitor for the performance of their duties under this act and to regulate the practice and procedure in and jurisdiction of said court, providing that all indictments for misdemeanors found in the circuit, except for violation of liquor laws, shall be transferred to this court.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby created in and for the county of Madison, an inferior court to be known and called "The Inferior Criminal Court of Madison County," which court shall be in lieu of the county court or any other court of like jurisdiction now or which may hereafter be established, said court shall have and exercise jurisdiction over all misdemeanors committed and tried in said county whether prosecution of such

misdemeanor be begun by information, indictment, or in any other manner.

Sec. 2. That the judge of the inferior court of Huntsville shall be ex-officio the judge of said inferior criminal court of Madison county, and shall receive as his compensation for his services as such judge six hundred dollars per annum, payable in regular monthly installments out of the county treasury of Madison county, upon the certificate of said judge, which compensation shall be in addition to that allowed him by law as judge of the inferior court of Huntsville.

Sec. 3. That the said court hereby established and the judge thereof shall have and exercise all the rights and duties of circuit judges and the jurisdiction and authority of circuit courts and circuit judges in respect to misdemeanors committed and triable in said county, and this court shall have the same power and authority to sentence to hard labor for non-payment of fines and costs as circuit courts and shall be governed in all things by the rules of practice and procedure in circuit courts.

Sec. 4. That the clerk of said court shall for his services as such clerk, receive the same compensation as is now or may hereafter be allowed circuit clerks for like service and which compensation shall be in addition to his compensation as circuit clerk.

Sec. 4½. That the county solicitor, if there be one, or the circuit solicitor or his deputy, shall represent the State before said court and receive the same fees or emoluments as solicitors in circuit courts for similar services.

Sec. 5. That said court shall always be deemed open for the trial of misdemeanors and the jury terms shall begin on the first Mondays in January, April, July and October of each year and may continue in session until the business is disposed of and the judge of said court shall draw the juries for the terms of said court and the clerk shall issue venire of jurors and the same shall be served by the sheriff as juries are now obtained in the circuit court, and this court have and exercise all the duties, powers and functions invested in county courts or courts of like description which are now or may hereafter be established, and to the exclusion of any such court.

Sec. 6. The sheriff of Madison county shall execute all process and perform such other duties in the said court as is now or may hereafter be required by law to perform in connection with the circuit court.

Sec. 7. And immediately upon the adjournment of any term of the circuit court of Madison county, all misdemeanor causes then pending upon the docket of said court of said county, except prosecutions for a violation of the liquor laws, shall by the clerk be transferred to the docket of said inferior criminal court of Madison county, and the jurisdiction of said court shall immediately attach.

Sec. 7½. That appeals may be taken from said court directly to the Supreme or Appellate Court as provided by law for appeals from the circuit court.

Sec. 8. This act shall take effect on the first Monday after the second Tuesday in January, 1917.

Sec. 9. All laws and parts of laws general, local or special in conflict with the provisions of this act, be and the same are expressly repealed.

Approved September 16, 1915.

No. 514.)

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AN ACT

(S. 839—Hall.

Regulating the fine and forfeitures of Houston county, Alabama, prescribing what claims shall be filed against the fine and forfeiture fund of the said county, and prescribing the order of priority in which the same shall be paid.

*Be it enacted by the Legislature of Alabama:*

Section 1. That in addition to the claims of State witnesses as is now or may hereafter be provided by law, there may be registered as claims against the fine and forfeiture fund of Houston county, Alabama, the claims of officers and former officers of court of said county for services in criminal cases in which the defendant is not convicted, and the costs are not imposed upon the prosecutor, or in which the defendants have been proved insolvent by the return of execution, "no property found," or in cases in which the State enters a nolle prosequi, or where the indictment has been withdrawn and filed, or the prosecution abated by the death of the defendant.

Sec. 2. *Be it further enacted by the Legislature of Alabama,* That the county treasurer of Houston county is hereby authorized and required out of any moneys in the fine and forfeiture fund of said county to pay the claims of State witnesses, in criminal cases, that being entitled to registration against said fund, as is or may hereafter be provided by law, and which have

been duly registered with said county treasurer, and also the claims for services in such cases as set forth in section one of this act, that have been rendered by the officers and former officers of court of said county, and that may hereafter be rendered by the officers of court of said county.

Sec. 3. *Be it further enacted by the Legislature of Alabama*, That the claims so registered against the fine and forfeiture fund of Houston county, Alabama, shall be paid by the county treasurer thereof, in the order of registration, except that the claims of State witnesses, if still in the hands of the witnesses to whom they were issued, or if transferred before the approval of this act, shall be entitled to be paid first, before the claims of the officers of court are paid; and provided further that the claims of State witnesses when transferred to another person, after the passage and approval of this act shall not have any priority of payment out of said fund but shall be paid as other claims, only in the order of registration.

Sec. 4. *Be it further enacted by the Legislature of Alabama*, That all laws and parts of laws in conflict with the provisions of this act, in so far as they do conflict with the provisions hereof, be and the same are hereby repealed.

Approved September 16, 1915.

No. 515.)

(S. 864—Hollis.

#### AN ACT

Providing for the relief of R. E. Blunt, former superintendent of education of Washington county, to authorize and require the treasurer of the school funds of Washington county, Alabama, to transfer certain monies to the State treasury of Alabama. Whereas, heretofore, on to-wit, the 2nd day of January, 1907, R. E. Blunt, who was at that time, superintendent of education of Washington county, Alabama, did sell certain timber from certain school lands in Washington county, Alabama, and did receive the sum of three hundred twenty-five (\$325.00) dollars in payment therefor; and whereas, the said R. E. Blunt, as superintendent of education of Washington county, Alabama, did apply the said sum of three hundred twenty-five (\$325.00) dollars to payment of the teachers of the public schools of Washington county, Alabama, instead of placing said sum of three hundred twenty-five (\$325.00) dollars into the State treasury; and whereas, the said sum of three hundred twenty-five (\$325.00) dollars should be transferred from the school funds of Washington county, Alabama, into the State treasury of Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the treasurer of the school funds of Washington county, Alabama is hereby authorized and directed im-



mediately after the passage of this act, to issue his check, drawn against the school funds of Washington county, Alabama, payable to the State treasurer of the State of Alabama, in the sum of three hundred twenty-five (\$325.00) dollars, and forward the same to the State treasurer of Alabama.

Sec. 2. *Be it further enacted by the Legislature of Alabama*, That the said sum of three hundred twenty-five (\$325.00) dollars, paid as provided in section 1 of this act, shall be considered as having been paid by R. E. Blunt, former superintendent of education of Washington county, Alabama.

Sec. 3. *Be it further enacted by the Legislature of Alabama*, That the act shall be effective from and after its passage.  
Approved September 16, 1915.

No. 517.)

(S. 352—Jones.

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AN ACT

To further provide for the maintenance and better working of the public roads of Barbour county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the board of revenue of Barbour county, Alabama, be and they are hereby authorized and empowered to accept from persons liable to road duty in Barbour county, Alabama, a money compensation in lieu of the work and labor required by law of such persons upon the public roads of the county; that the amount of such compensation shall be fixed by said board at not exceeding five dollars per annum for each of such persons.

Sec. 2. That whenever said board, by resolution duly spread upon its minutes, shall determine in any year to accept such money compensation and shall fix the amount thereof within the limits above prescribed, any person liable to road duty in said county may procure exemption from working on the public roads of the county for that year by paying the sum so fixed by said board to the tax collector of Barbour county, Alabama, on or before October the first, of the year in which he is liable to such duty, and not later than February the first, of such year, and by obtaining from such collector a receipt therefor, and exhibiting it to the road official warning him for service; provided, further, however, that any person, who has failed to make such payment within the time specified, may do so even

after the lapse of such time and after he has been warned for road service, if, before the day on which, under the warning, he is to commence such service, he pay to said tax collector, and obtain and exhibit his receipt therefor, the compensation so fixed by the board and in addition thereto the sum of one dollar as a penalty for delay and to cover cost of warning.

Sec. 3. That whenever said board shall so determine in any year to accept such money compensation, it shall be the duty of the county tax assessor to prepare a list of the persons subject to road duty in the county for that year by beats, and assess against each person the amount so fixed by said board, which he shall turn over and deliver to the county tax collector on or before the first day of October of that year, and to whom such persons may pay the amount so assessed and secure the exemption before stated. On February first, following, the tax collector shall prepare a list of those delinquent in the payment of this commutation tax, which he shall certify to the board of revenue at its first meeting after February first.

Sec. 4. It shall thereupon be the duty of the board of revenue upon receipt of such certified list of those who are so delinquent in the payment of the road tax herein authorized to be levied, to authorize and empower the county road superintendent, or such other person as the board of revenue may designate for that purpose, to warn such as are delinquent, and require them to work such roads, and at such places as the county road superintendent, or such other person as the board of revenue may designate, may order them to work; provided, such delinquent persons may, as stated in section two hereof, secure such exemption, even after warning, by complying with the last provision of said section two.

Sec. 5. That the money so accepted and received as compensation for road duty under the provisions of this act must go into a special fund in the treasurer's hands to the credit of the public road funds of the county; and must be appropriated exclusively to the public roads in the precinct or beat from which the money was collected.

Sec. 6. That every person liable to road duty in the county, and who does not procure the exemption therefrom as hereinbefore provided, is required to work on any public road in the precinct of his residence, to which he may be warned, whether the road he is so warned to work is within six miles or not of his residence; and for each default he shall be guilty of a misdemeanor and punished as prescribed in section 7737 of the criminal Code of 1907.

Sec. 7. That all male persons of the county between the ages of eighteen and forty-five years of age, not procuring the exemption as hereinbefore provided, are liable to work on the public roads of Barbour county, Alabama, for a period not exceeding ten days in each calendar year, not counting the hours engaged in opening new roads, except the following, to wit: Those who have lost a leg or arm; those who by nature, disease, accident, or otherwise, are rendered incapable of hard labor and who shall procure a certificate of such incapacity from any reputable physician of the county; and those who reside within the limits of incorporated cities and towns of the county.

Sec. 8. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 16th, 1915.

No. 526.)

(S. 800—Bell.

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AN ACT

To provide a more efficient system for opening, building, changing, constructing and working the public roads of Pickens county. A board of highway commissioners provided for, how provided, vacancies, how filled, organized of such board, duties of the chairman, duties of the secretary and treasurer, itemized accounts of receipts and disbursements to be published, oath of office and bond to be given, salaries provided for. Impeachment of the members of the board, how done, authority, duties and powers of the board of laws, rules and regulations concerning the public road commissioners, meetings when and where held, adoption of new laws, rules and regulations concerning the public roads and publications of same provided for. Per capita tax and method of collecting same. May be discharged by working under direction of the board. Misdemeanor to fail to pay such tax or work ten full days, penalties provided for, court of county treasurer may be transferred to the board. All rights, powers, duties, etc., on commissioners court with reference to public roads, etc., now conferred by the general laws of the State, available and applicable to such board of road commissioners.

*Be it enacted by the Legislature of Alabama:*

1. That there be and is hereby created a highway commission for Pickens county, to consist of S. J. Sparkman, whose term of office shall be four years and until his successor is appointed and qualified; Chas. R. Horton, whose term of office shall be two years and until his successor is appointed and qualified and the probate judge of Pickens county who shall be ex-officio chairman of such board. Said board shall assume the duties of their respective offices, within thirty days after the approval of this act.

2. That in the event of one or both of the commissioners should fail to qualify within the specified time, or in case of a vacancy on such board, caused by death, resignation or removal of any member of such board, it shall be and is hereby made the duty of the Governor to fill such vacancies by the appointment of some suitable and competent person to fill the unexpired term. And at the expiration of the two years and every two years hereafter it is hereby made the duty of the Governor to appoint one highway commissioner for Pickens county, whose term of office shall be four years and until his successor is appointed and qualified, and in case of a vacancy in such board caused by resignation, death or otherwise, it shall be the duty of the Governor to make an appointment to fill the unexpired term.

3. That it shall be and is hereby made the duty of the probate judge of said county within thirty days after the approval of this act to call a meeting of such board for the purpose of organization.

4. Such board shall elect one of their members as secretary and treasurer, or they may elect a competent, practical road engineer upon whom they may place the duties of secretary in addition to such other duties as the highway commission may prescribe for him.

5. That it shall be the duty of the probate judge as chairman of such board to preside over the meetings thereof, to call such special meetings when in his judgment occasion or necessity requires and in case of a tie to cast the deciding vote on any matter under consideration by such board and to perform such other duties as may be determined by the board.

6. That it shall be the duty of the secretary and treasurer of such board to attend the meetings thereof, to keep in a well bound book a record of the proceedings of such regular or special meetings of such board, to conduct the correspondence of such board, to receive and keep a correct account of the receipts and disbursements of the funds arising from taxation and otherwise and coming into the hands of the board and to pay the same out in the manner hereinafter provided, that the books of the boards so to be kept shall be at all reasonable hours open to the inspection of the public and subject to examination by the State accountants.

7. That it is hereby made the duty of the secretary and treasurer of such board, semi-annually on the first day of July and January of each year to publish in some newspaper pub-

lished in the county or to post at the voting places in each precinct in said county an itemized account of the receipts and expenditures of such board for the preceding six months.

8. That before entering upon the duties of their respective offices, the members of such board shall take and prescribe the oaths prescribed by the Constitution of the State to be taken by other county officers.

9. That before entering upon the duties of his office, the secretary and treasurer of such board, he shall take and subscribe the same oath above provided for the members of such board and shall also make and file in the office of the probate judge of Pickens county a good and sufficient bond payable to the highway commissioners of Pickens county to be approved by such probate judge and conditioned to faithfully account for all moneys coming into his hands as such secretary and treasurer.

10. That said commissioners shall receive a salary of four (\$4.00) dollars per day and actual expense for each and every day they are actually engaged in the duties of their respective offices, but in no case are the members to be paid for more than fifty days in any one year.

11. That said highway commissioners or any one of them may be impeached and removed from office by proceedings instituted in the circuit court or court of like jurisdiction of Pickens county, for the following causes, to-wit: Wilful neglect of duty; corruption in office; incompetency or intemperance in the use of intoxicating liquors to such an extent as to unfit such commissioner for the discharge of his or their duties.

12. The impeachment proceedings shall be instituted in such circuit court in the name of the State of Alabama, by the solicitor of the judicial circuit or court of like jurisdiction in which the county is located or by twelve bona fide resident tax payers of the county or by such solicitors on the report of any grand jury of the county recommending the impeachment of such commissioners or commissioner, and all such proceedings shall be conducted and all processes issued in the name of the State of Alabama.

13. That when such impeachment proceedings are commenced by twelve bona fide resident tax payers of the county, they shall give bond with approved security, payable to the members or member of the board sought to be impeached conditioned to prosecute the impeachment to effect and failing

therein to pay all such cost as may be incurred which bond shall be taken and approved by the clerk of the circuit court.

14. That in any impeachment proceedings instituted, commenced and prosecuted under the provision of law now regulating the institution, commencement and prosecution of impeachment against other officials, shall apply so far as the same are applicable.

15. That said board of highway commissioners of Pickens county shall be and they are hereby invested with exclusive control of the road funds of Pickens county and exclusive superintendence of the public roads and bridges of Pickens county and may establish new, change and discontinue old roads and bridges in the manner hereinafter provided and shall improve and maintain such public roads and bridges of Pickens county so as to render travel over the same as safe and convenient as practicable and to this end they are hereby authorized to establish, promulgate and enforce new rules, regulations and laws not inconsistent with the general laws of the State, which may be necessary to make, improve and maintain a good system of public roads and bridges in Pickens county, provided that said board of highway commissioners shall adopt a uniform system for the county for the building of bridges. That they shall have and are hereby given full and exclusive control of the work of opening, building, changing, repairing, working, etc., of said roads and to that end shall have authority to employ a practical road engineer whose salary shall not be less than twelve hundred (\$1200.00) dollars, nor more than two thousand (\$2,000.00) dollars per year, and in case such engineer is employed, it shall be the duty of the highway commission to define his duties.

16. That said highway commission shall have authority to have said work done either by contract to the lowest responsible bidder at public letting, or to have the same done by hired labor or by the use of hard labor convicts of said county or by all such methods as may seem in their judgment to the best interest of the county. They shall have authority to purchase all necessary road machinery, tools and stock necessary and from time to time dispose of same and purchase new or additional machinery, tools stock, etc.

17. That said highway commission shall meet at the court house at Carrollton on the first Mondays in January, April, July and October of each year and special meetings of such board may be held at any time on the call of the chairman; pro-

vided that at such special meetings no business other than matters pertaining to particular work in hand shall be transacted.

18. That all laws, rules, ordinances and regulations made and adopted by the highway commission under the provisions of this act shall be made and adopted at regular meetings of the board as provided for under the terms of this act, and when so made and adopted shall forthwith be spread at length in the minutes of the proceedings of such board and a copy of the same shall be posted by the secretary at the courthouse door for ten days before the same shall be enforced and become operative as a rule, ordinance or regulation; or it may be published in a county paper that all such laws, rules, regulations and ordinances on their adoption shall be forthwith enrolled in a well-bound book to be kept by the secretary of the board that all male inhabitants of the county over the age of eighteen and under fifty and who are not exempt by the general statutes shall be subject to road duty for ten full days of nine hours each for each year under the direction of the highway commission, provided that no road hand shall be forced to go more than six miles from his place of residence to work on the public road and bridges and provided further that they may pay in lieu of the ten days work a per capita tax of five (\$5.00) dollars to the tax collector on or before the first day of February of each year, and if not paid by February 1st, he shall be warned out for the full ten days on public road and after being warned out he may discharge same by paying to the tax collector within three days after being warned the sum of \$5.50 and all such per capita tax so collected shall be placed to the credit of the road and bridge fund for the use of the highway commission, and provided further that all persons who are exempt from road duty under general laws of the State are exempt from road duties under the provisions of this act. That all persons who are between the age of forty-five and fifty when this act goes into effect and have become road free shall not be required to work under the provisions of this act, but that all men who become forty-five years of age after this act goes into effect shall be subject to road duty until they are fifty years of age. That all per capita tax or an equal amount thereof shall be expended in the beat from which it was collected.

19. That it shall be the duty of such board of highway commission to keep an alphabetical list of persons by beats who are subject to such road duty and to correct such list annually

and to this end may employ such enumerators as they may deem necessary.

20. That any person so liable to road duty under the provisions of this act who fail to pay the per capita tax or refuse on demand to work in lieu thereof the ten full days shall be guilty of a misdemeanor, and must, on conviction, be fined not less than ten dollars, nor more than twenty dollars and may be sentenced to hard labor for the county for thirty days, such fine to be paid into the road and bridge funds of the county.

21. That all automobile license tax paid back to the county by the State shall be placed to the credit of the road and bridge fund of the county.

22. That any man subject to road duty and who fails to do satisfactory work under the overseer may be discharged by said overseer and proceeded against as though he refused to work.

23. That it be and is hereby made the duty of county commissioners of said county at the time of levying other taxes for county purposes to levy a special tax of one-fourth of one per cent to be assessed and collected as other taxes are assessed and collected and placed to the credit of the road and bridge funds for the use of said highway commission.

24. That whenever there is a surplus in the county treasury of said county to the credit of the general fund of the county, said surplus may be transferred to the road and bridge funds for the use of the highway commission when in the judgment of the court of county commissioners it is to the interest of the county that such transfer be made.

25. That the highway commission may apportion such hands as do not pay their per capita tax to any road or roads within six miles of his residence and shall employ a sufficient number of overseers at a rate not to exceed \$2.00 per day and furnish each overseer with a list of hands who will work under his direction, and in case they have an engineer, it shall be his duty to go over the road with, and instruct each overseer and point out the work to be done.

26. That all male inhabitants of the county between the ages of twenty-one and sixty-five years are subject to road duty under this act as overseers.

27. That any overseer who fails to perform his duty as such under the provisions of this act, shall be liable to prosecu-



tion and fined on conviction not less than \$10.00 or more than \$50.00.

28. That it shall be the duty of every person, firm or corporation, land owner or agent employing hands to furnish to the highway commission, their engineer or overseers upon application a list of all male hands in their employ or living on their lands and failing to do so such person, firm, corporation or land owner shall be guilty of a misdemeanor and on conviction shall be fined not less than \$10.00 or more than \$50.00.

29. That the funds in the hands of the treasurer of such board shall be by him deposited as fast as received in some bank of good financial standing and shall be subject to check signed "The Highway Commission of Pickens County," by its chairman and attested to by the secretary and treasurer of such board.

30. That the highway commission may enter into a contract with a contractor for the construction, repair or maintenance of any road or roads, bridge or bridges, and let such contract at public letting to the lowest responsible bidder and they may require each bidder to put up a certified check and provided further that the highway commission may reject the bid of any contractor who is inexperienced, incompetent or who is known to have a bad record in the performance of public work.

31. That any contractor employed to construct or maintain any road or bridge shall, before entering upon the execution of such work, execute a bond by some surety company, payable to the county of Pickens for twice the amount of the contract price and approved by the highway commission and conditioned upon the faithful performance to the contract and the discharge of his duties thereunder.

32. That if any section or part of this act is declared unconstitutional, it shall not effect the other parts or section thereof.

33. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed in so far as they relate to Pickens county.

Approved September 18, 1915.

No. 546.)

(H. 1436—Vaughan.)

## AN ACT

To amend an act approved April 22nd, 1911, entitled an act, to require the tax collector of Montgomery county to keep a record showing in abstract form the names of all registered voters who pay their poll tax, beginning with the year 1901 and each subsequent year, together with their ages, and to provide compensation therefor to be paid out of the county treasury, so as to read as follows:

*Be it enacted by the Legislature of Alabama:*

Section 1. That the judge of probate of Montgomery county, be and he is hereby required to keep a record, showing in abstract form, the names of all registered voters in said county, who pay their poll tax, beginning with the year 1915, and each subsequent year, the date of registration, and their ages, and shall keep them in alphabetical order according to precincts, and said records shall be completed on or before the first day of April each year.

Sec. 2. That the record herein required shall be substantially bound, and be kept by the judge of probate in his office as a public record open to the inspection of all persons when not in actual use by the judge of probate.

Sec. 3. That the judge of probate shall receive for his services rendered under the provisions of this act the sum of five hundred dollars per annum; said amount to be paid by warrant drawn on the county treasurer, or other custodian of the county funds, by order of the board of revenue of Montgomery county, upon his filing in the office of the board of revenue a statement under oath, setting forth, that he has complied with the provisions of this act, and the county treasurer, or other custodian of the funds of the county, is hereby required to pay said warrant out of the general fund of the county.

Sec. 4. That all laws and parts of laws, both general and local in conflict with the provisions of this act, be and the same are hereby repealed.

Approved September 18, 1915.

No. 548.)

(H. 1609—Kyser.)

## AN ACT

To establish a board of revenue for Monroe county, and to confer upon such board all the authority, jurisdiction and power, and prescribing for the members thereof, all the duties of the court of county commissioners of said county; to provide for the appointment and fix the term of office of the members of said board; to provide for the election of their successors in office; to define the duties of the judge of probate with ref-

erence to said board of revenue; to authorize said board to employ a competent civil engineer, fix his salary and prescribe his duties; to authorize said board of revenue to divide said county into road districts and apportion hands liable to road duty; to assess a road or per capita tax for persons liable to road duty in said county in lieu of working on the public roads; to fix a license tax for teams and vehicles using the public roads of said county; to confer upon said board the right of eminent domain; to abolish the court of county commissioners and the highway commission of said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby created a board of revenue for Monroe county, Alabama, consisting of four persons, and the judge of probate of said county who shall be an ex-officio member and president thereof. That the members thereof shall be appointed by the Governor and they shall, with the exception of the judge of probate, hold office until the first Tuesday after the first Monday in November, 1920, and until their successors are duly elected and qualified. In case of a vacancy on said board the same shall be filled by appointment by the Governor.

Sec. 2. The said board of revenue shall have all the authority, jurisdiction and powers which are now, or which may hereafter be vested in or conferred upon courts of county commissioners or boards of revenue, or like bodies, in this State, and the several members of said board of revenue shall respectively perform all the duties and services and exercise all the powers which are now or which may hereafter be by law conferred upon or required of the members of courts of county commissioners, boards of revenue, or other like bodies in this State.

Sec. 3. That all the duties now required by law of the judge of probate of said county, with reference to the court of county commissioners thereof, shall be and the same are hereby made his duty with reference to the board of revenue of said county.

Sec. 4. That said board of revenue may employ a competent civil engineer who shall be experienced in road building, and he may be given general supervision of the roads and bridges of the county, under the supervision of said board of revenue. He shall hold office at the will of said board of revenue, and be paid a salary not exceeding twenty-four hundred dollars per annum, payable monthly in equal installments. He shall subscribe to and execute an oath of office, and be required to give bond in a sum not less than three thousand dollars, with sufficient surety, to be approved by the president of said board of revenue and conditioned upon his faithful performance of his

official duties. The premium upon said bond may be paid by the county.

Sec. 5. The said board of revenue shall hold four sessions annually, viz.: On the second Mondays in February and August and the first Mondays in April and November of each calendar year; and said board of revenue may hold special sessions at any time upon the call of the president or any three members thereof; and if in the opinion of said board monthly meetings are necessary or desirable it may provide for regular monthly sessions by entering an order for such meetings upon its minutes.

Sec. 6. That a majority of said board shall constitute a quorum for the transaction of business, and no funds belonging to the county shall be paid out except upon the authority of said board. A proper list and registry of all sums authorized to be paid out of any funds of the said county, showing the nature of the claim, amount of same and name of person in whose favor the warrant is drawn, shall be kept either by the president or clerk of said board, which said record shall be open to the inspection of the public at all times.

Sec. 7. That the president of said board shall be its presiding officer and shall be entitled to vote on any question before the board in which a tie vote has been cast; shall sign the minutes of the proceedings of said board; shall sign on behalf of said board all warrants or orders authorized by said board and drawn for the disbursement of any fund belonging to said county. In the absence of the president of said board at any meeting thereof some other member of said board shall be selected to preside during such absence of the president, and while so presiding shall have all the authority and exercise all the duties of the president, with reference to said board.

Sec. 8. That said board may divide the county into as many road districts as it may deem necessary or advisable, and employ foremen to warn out the hands subject to road duty in the respective districts and to work the roads thereof under the direction of the engineer, supervisor or said board of revenue. In the event any roads shall be worked by contractors the hands in said district subject to road duty may be required to work for and under the direction of such contractors.

Sec. 9. That said board may accept a money compensation, to be fixed by said board and not to exceed ten dollars per annum, from anyone subject to road duty in said county in lieu of the services of such hand on the public roads, the amount of such payment and the time of payment to be fixed by said

board. Any moneys thus paid in lien of services on the public roads shall go into the roads fund of said county and be expended only for the construction and maintenance of the public roads and bridges of said county.

Sec. 10. That all persons hauling logs, lumber, timber, merchandise, freight or other things for hire over the public roads of the county, for himself or others, and not for their own use or for the benefit of their own farms, and persons regularly engaged in the business of hauling over the public roads of the county, shall pay an annual license therefor, the amount of which shall be fixed by said board, with a penalty for failure to comply therewith.

Sec. 11. That when in the judgment of the board of revenue of said county, it becomes necessary or advisable, to change the route of any road or roads, or to open a new road, or roads, in said county, such board, or a majority thereof, after giving notice for ten days to the owner or owners of such land over which the road as changed or the new road to be opened shall pass, or is to be constructed, or the time and place of assessing the damage done, or to be done, to the owner of such lands by reason of such change of old or opening of new road, shall proceed to hear such legal evidence as may be offered by such owner by reason of opening of such new or changing the old road and after such hearing shall proceed to assess such damage as they deem just and proper compensation to such owner or owners, not in any event to be less than the actual value of the land so taken, and upon payment by such board of the damage so assessed, or the tender of same to the owner of the land or his or their agents, by such board or its authority, such road or roads shall be deemed to be open to all intents and purposes and the work of opening, building, constructing, changing, etc., of same shall proceed without further delay, provided, that in case of dissatisfaction on the part of such owner or owners with the damage so assessed, he or they shall have the right of appealing to the circuit court, or court of like jurisdiction, such appeal to be taken and had under the provisions of law now applying to appeals from decisions of the court of county commissioners. That in case of such appeal and final determination thereof, the amount so assessed or such amount as may be adjudged by the court to which the appeal is taken, shall be paid to the owner or owners of such land out of the funds of the county, but pending the appeal, the work of opening, building, changing, etc., of such road shall proceed as if no appeal had been taken. That the notice herein provided to be given the land owner may be

served by the road supervisor or such other person as the board may designate, and may be given in writing, to be left at the residence, if such person is a resident of the county, and if he does not reside in the county, the notice shall be given by publication in some newspaper published in the county for three successive weeks. The cost of publication and other costs connected with such proceeding to be paid out of the funds of the county.

Sec. 12. That said board shall have the right to take and use in constructing, maintaining or repairing the public roads of Monroe county, or cause the same to be taken, such quantity of stone, chert, gravel, or other material adjacent to, contiguous, or conveniently near, as may be necessary for such work, and when the board and the owner or owners of such material cannot agree upon the amount of compensation, the same shall be assessed by the board by proceeding in the manner provided in section eleven of this act, and the owner of such material shall have the right of appeal as provided in said section.

Sec. 13. That said board of revenue is hereby given legislative, judicial, and executive powers in the matter of building, maintaining, changing, establishing and abolishing public roads, bridges and ferries. It may establish, promulgate, and enforce new rules, regulations, and laws not inconsistent with the general and special laws of this State, which are necessary to make, improve, and maintain a good system of public roads, bridges and ferries in said county.

Sec. 14. That the members of said board of revenue except the judge of probate shall receive a salary of \$500.00 per annum each, payable quarterly in equal installments out of the funds of the county treasury on certificates or warrants of the president of the board.

Sec. 15. That said board of revenue is authorized and hereby directed to divide said county into four districts, to be as nearly equal in population as may be found to be practical, said districts to be known as commissioners districts numbered one, two, three and four respectively; that at the general election in said county in 1920, and every four years thereafter, four members of the board of revenue for said county shall be nominated and elected by the qualified voters of said county as a whole, but not more than one commissioner so elected shall reside in the same district. Said commissioners so elected shall qualify within twenty days after the returns of the election shall have been canvassed, and shall enter upon the discharge

of their duties, and hold their offices for the term of four years from the expiration of the terms of their predecessors.

Sec. 16. That the court of county commissioners and the highway commission of Monroe county, Alabama, be and the same are hereby abolished.

Sec. 17. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 18. That if any clause, provision or section of this act should be declared unconstitutional, it shall not invalidate or effect any other clause, provision or section which is not in and of itself unconstitutional.

Sec. 19. That this act shall take effect immediately upon approval by the Governor.

Approved September 25, 1915.

No. 556.)

(H. 1246—Thomas.

### AN ACT

For the relief of William M. Adams, of Chilton county, Alabama, for funds expended by the said William M. Adams, during his term, as deputy solicitor of Chilton county, Alabama, in enforcing the prohibition law, which funds were refunded to said William M. Adams by the court of county commissioners, subsequently, and for which funds, amounting to one hundred and thirty-one and 5/100 (\$131.05) dollars, Chilton county, Alabama, is suing to recover.

#### *Be it enacted by the Legislature of Alabama:*

First: That William M. Adams, of Chilton county, be and he is hereby relieved from the payment of funds expended by him during his term, as deputy solicitor of said county, in enforcing the prohibition law during the years 1908 and 1909, and theretofore; provided that the relief and acquittance hereby granted does not exceed the sum of one hundred and thirty-one and 5/100 (\$131.05) dollars.

Second: That William M. Adams, of Chilton county, be and he is hereby relieved from any and all liability, to the extent of one hundred and thirty-one and 5/100 (\$131.05) dollars, on account of suit now pending, in the circuit court of Chilton county, Alabama, for said amount, as a charge back against him, for funds, in said amount, expended by him as such deputy solicitor, from his private moneys, in enforcing the prohibition laws, in the years 1908 and 1909.

Third: That all laws and parts of laws, general, special, or local in conflict with this act, be and the same are hereby repealed, in so far as the relief hereby granted is concerned.

Became a law under section 125 of the Constitution.

No. 557.)

(H. 1471—Campbell.

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AN ACT

To abolish the office of county treasurer of Cleburne county, Ala.

*Be it enacted by the Legislature of Alabama:*

1. The office of county treasurer of Cleburne county, Alabama, is hereby abolished.

2. The court of county commissioners of Cleburne county, Alabama, are authorized and empowered to contract with an individual, firm or corporation, for the handling of the funds of said county and to fix the duties of said individual, firm, or corporation under said contract, and to fix the compensation for said duties at not exceeding three hundred dollars per annum.

3. This act shall be effective on January 1, 1917.

4. All laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Approved September 18, 1915.

No. 558.)

(H. 1192—Ryan.

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AN ACT

To require the commissioners' court of Cullman county to work all the county convicts of said county, on the public roads of said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That after the passage of this act, all the county convicts of the county of Cullman may be worked on the public roads of Cullman county.

Sec. 2. That the commissioners' court of said county is hereby authorized and required to see that the provisions of this act are carried out and complied with, and said court is hereby authorized and empowered to make all necessary provisions, regulations and appropriations, necessary to carry out the provisions of this act.

Approved September 18, 1915.



No. 559.)

(H. 1568—Gordon.

## AN ACT

To repeal sections one (1) and two (2) of an act entitled an act to regulate the issue of garnishments before justices of the peace in the county of Escambia, approved February 1st, 1895.

*Be it enacted by the Legislature of Alabama:*

Section 1. That sections one (1) and two (2) of an act 'To regulate the issue of garnishments before justices of the peace and notaries public ex-officio justices of the peace in the county of Escambia,' approved February 1st, 1895, be and the same are hereby repealed.

Approved September 18, 1915.

No. 560.)

(H. 1347—Blunt.

## AN ACT

To repeal in so far as it affects Washington county, an act of the Legislature of Alabama, approved December 13, 1894; to regulate and prescribe the manner of electing the county commissioners of Washington county; to provide how and by whom said county shall be divided into districts and precincts; and to prescribe the manner of electing the county commissioners for said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act entitled an act "To repeal section 4 of an act to regulate and prescribe the manner of electing county commissioners of Pike, Bullock, Washington, Baldwin, Butler, Choctaw, Fayette, Shelby, DeKalb and Pickens counties, approved January 30, 1893, and to prescribe the manner of electing the commissioners in said county," be repealed, so far as the same applies to Washington county.

Sec. 2. Be it further enacted, That a board, composed of each of the four county commissioners, the sheriff, the clerk of the circuit and the probate judge of Washington county shall, at least three months before the next primary election, lay off said county into four commissioners' districts irrespective of the lines by which said districts are now defined and to divide each of said districts into a convenient number of precincts for the election of the county commissioners as hereinafter prescribed in the manner now provided by law for the establishment of precincts.

Sec. 3. Be it further enacted, That at the general election in 1916 districts numbered 1 and 3 as defined by the above

mentioned board or as said districts may hereafter be laid out shall elect a commissioner from each of said districts, whose term of office shall be the same as is now prescribed by law, and who shall hold office until their successors are elected and qualified.

Sec. 4. Be it further enacted, That at the general election in 1918 districts 2 and 4 as defined by the above mentioned board or as said districts may hereafter be laid out, shall elect a commissioner from each of said districts, whose term of office shall be the same as is now prescribed by law, and who shall hold office until their successors are elected and qualified.

Sec. 5. Be it further enacted, That no person shall be eligible to election as commissioner unless he shall have been a resident of the district from which he offers for election at least 12 months next preceding such election.

Sec. 6. Be it further enacted, That said commissioners shall be elected only by the voters of the district in which they reside.

Sec. 7. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved September 18, 1915.

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No. 567.)

(H. 1515—Wittmeier.

### AN ACT

To abolish the office of county treasurer of Blount county, Alabama.

*Be it enacted by the Legislature of Alabama:*

1. That the office of county treasurer of Blount county, Alabama, is hereby abolished.

2. The court of county commissioners of Blount county, Alabama, is hereby authorized and empowered to contract with an individual, firm, corporation, or bank, for the handling of the funds of said county, to fix the duties of such individual, firm, corporation, or bank under said contract, and to fix the amount to be paid for the custody of such funds, or, in case no such sum can be realized, to fix the compensation for the performance of the duties of such depository at not exceeding three hundred dollars per annum.

3. That this act shall be in force and effect at the expiration of the term of office of the present treasurer of Blount county.

4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 18, 1915.

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No. 568.)

(T. 1407—Rogers of Sumter.

AN ACT

For the relief of P. B. Jarman, J. H. Pinson, J. M. Allison and W. E. McGowen.

Whereas, it was necessary in April, 1914, to raise \$5,200.00 for the county of Sumter, in order that said county might avail itself of a like amount from the State of Alabama for the purpose of building a "State Aid Road." And

*Whereas*, in order to do so it was necessary to borrow the said amount of money;

*And, whereas*, there is no provision of law for paying interest on money so borrowed and in order to get the same P. B. Jarman, J. H. Pinson, J. M. Allison and W. E. McGowen had to pay two hundred and fifty-eight dollars and eighty-five cents (\$258.85) interest on the money so borrowed; therefore,

*Be it enacted by the Legislature of Alabama:*

Section 1. That the judge of probate of Sumter county is hereby required and authorized to draw his warrant on the county treasurer of Sumter county in favor of P. B. Jarman, J. H. Pinson, J. M. Allison, and W. E. McGowen for the sum of two hundred and fifty-eight and 85/100 dollars covering the amount expended by said P. B. Jarman, J. H. Pinson, J. M. Allison and W. E. McGowen in paying said interest as aforesaid. And the treasurer of said Sumter county is hereby directed and required to pay such warrant out of any money in the treasury not otherwise appropriated.

Approved September 18, 1915.

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No. 569.)

(H. 1646 $\frac{1}{2}$ —Smith of Crenshaw.

AN ACT

To provide for the more efficient working of the public roads of Crenshaw county, Alabama, and to provide that the court of county commissioners, in its discretion, levy a road tax, a vehicle tax, and a dog tax, the proceeds therefrom to be applied to the maintenance of the public roads of said county.

*Be it enacted by the Legislature of Alabama:*

1. That the court of county commissioners may, in its discretion, provide by order that all male persons, citizens of Crenshaw county, Alabama, between the ages of eighteen and forty-five years, who are not exempt from road duty under the general laws of Alabama, shall be liable to work on the public roads of Crenshaw county, Alabama, for ten days during each road year; provided, however, that any person liable to road duty may relieve himself from such liability by paying yearly a road tax of three dollars, as hereinafter provided. Provided, further, that any person liable to road duty who desires to work said public roads in lieu of paying said road tax of three dollars shall within the first ten days of each September file in the office of the judge of probate of said county his written declaration that he will work said public roads as provided in this act. All persons liable to road duty who fail to file said declaration in the office of the judge of probate as herein provided shall not during the next succeeding road year be allowed to work said public roads, but shall pay the said road tax of three dollars as in this act provided. The road tax year under this act shall begin on October the 1st of each year and end on the thirtieth day of the next September, and the road tax herein provided shall be due on October the 1st of each year and delinquent on the 1st day of January thereafter. The first road tax under this act shall be due on the 1st day of October, 1915.

2. That the court of county commissioners may, in its discretion, levy an annual "vehicle license tax" on all vehicles in said county or that may hereafter be in said county, or which may be owned by or in the possession of citizens of said county, and which are used or run on or over any of the public roads of said county. Said vehicle license tax shall be as follows: On each one horse wagon, buggy, surrey or cart, \$0.50. On each two horse wagon, buggy, surrey or hack, \$1.00. On each four horse wagon or dray, used in hauling lumber or logs or timber, using four mules or oxen or more, \$10.00. On each motor truck used in hauling merchandise or freight, \$10.00. On each automobile, \$5.00. On each motorcycle, \$5.00. On such motor vehicle or bus with a capacity of carrying nine passengers or more, operating on the public roads of said county in the transportation of passengers and for which a fee is charged therefor \$50.00.

3. That the court of county commissioners may, in its discretion, levy an annual tax on each and every dog in said coun-

ty over four months old, as hereinafter provided, to be paid either by the owner, agent or attorney of the owner, and every person who keeps or harbors a dog, or who knowingly permits the keeping of a dog upon his premises shall be deemed the owner of said dog within the meaning of this act, and liable for said dog tax. Said dog tax shall be one dollar per annum on each dog. Said dog tax shall be due on October the 1st of each year and delinquent on January the first thereafter. The first dog tax under this act shall be due October the 1st, 1915. It shall be the duty of the owner of each dog over four months old within the first fifteen days of each September to file in the office of the judge of probate of said county a written instrument signed by him, showing the number of dogs owned by him or her.

4. That the commissioners court may, or may not, at its discretion levy any of the license or other taxes hereinabove mentioned, and shall not, under the provisions hereof, or any other law, be required to levy any license or other tax, for the work, improvement or maintenance of the public roads of the county.

5. That if any section hereof is declared unconstitutional, it shall not affect the validity of any other section.

6. That all local laws passed at the present session of the Legislature, imposing or attempting to impose a road tax, a vehicle tax, a commutation tax, and a dog tax in and for Crenshaw county for regulating and governing the assessment or levy and collection of such taxes, be and the same are hereby repealed.

Approved September 22, 1915.

No. 570.)

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AN ACT

(H. 1516—Wittmeier.

To require bonds to be executed by the members of the court of county commissioners of Blount county, Alabama.

*Be it enacted by the Legislature of Alabama:*

1. That the members of the court of county commissioners of Blount county are each hereby required to execute bond, in the sum of five thousand dollars, such bond to bear the names of two good and sufficient sureties, or to be made by some reputable guaranty company, payable to Blount county, Alabama, which bond shall be approved by the probate judge, and record-

ed in his office, conditioned for the faithful performance of the several duties required of them by law, also for the repayment to the county treasury of any money unlawfully paid out on warrant for the issuance of which the member may vote, and for the faithful compliance with the provisions of this act.

2. That the clerk of the court of county commissioners, is hereby required to keep, as a part of the minutes and proceedings of the court, an accurate and detailed vote, showing how each member votes on all questions in which money is appropriated.

Approved September 18, 1915.

No. 571.)

(H. 1500—Davis.

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AN ACT

To establish a vocational department and to provide for the instruction in practical agriculture, mechanical trades, and all or any other industrial arts and sciences in the public, elementary and high schools in Walker county, Alabama, and to prescribe the method of organization and plan of such instruction, and to authorize appropriations to promote the same, by that court of county commissioners in said county, and by the municipal authorities in the cities and towns thereof.

*Be it enacted by the Legislature of Alabama:*

1. That, at the option of the county board of education, or boards of education of cities and towns, in Walker county, Alabama, within their respective jurisdiction, there may be established, organized and maintained, in the public, elementary and high schools thereof, vocational and industrial departments as hereinafter provided in this act.

2. That said boards of education, in their respective jurisdiction shall have full and plenary power, not to conflict with the provisions of this act for the accomplishment of the purposes thereof, viz.: The instruction in practical agriculture, mechanics, forestry, carpentry, metal work, basketry, mechanics, road building, animal industry, poultry raising, physical training, which shall include the intelligent direction in recreation, sanitation and any and all the industrial arts and sciences, whereby the youth may become healthful, intelligent workers and adequate producers. Said boards of education shall prescribe the courses of study, having in view the co-operating with any and all State and Federal forces employed in corresponding efforts, which course must include at least two full scholastic months of practical work and instructions on the farm, or

in the garden, shop, mines, factory, or on the public road or some place other than the school room, where the pupils will be in direct and vital contact with the industry pursued, and said vocational work required shall be performed between May 1st and July 15th of each year.

3. That the principal of every school under the operation of this act shall be, and is required to keep a full and accurate record of each pupil's life, both in the school room, at home and in the shop, on the farm, or wherever he or she may be engaged in industrial work, which record or a certified copy thereof shall be filed by the principal or supervisor, at the end of the scholastic year, in the office of the county superintendent of education. The said records of pupils in all branches of instruction shall be consolidated as much as practicable. In all cases the total earnings shall be recorded and reported fully and definitely, and shall be bound in permanent form and preserved as a permanent record for each year in the office of said county superintendent.

4. That the supervisor, principal or teacher of every school under the operation of this act, shall, before planting season, arrange when practical, with the parents or guardian of pupils who are to engage in the study of agriculture, or other study which requires the use of land, for a suitable plot of ground not less than one acre for boys and one-half acre for girls, and shall also provide, as far as practical, for each of said pupils, a map or diagram of such ground, with schedule and specifications for cultivation, and proper blanks for recording the routine of work and results.

5. That each pupil engaged in agriculture, shall be required to produce for home consumption or for the market, products which will in value represent at current prices according to their respective ages, as follows:

Boys from ten to twelve years of age.....	\$10.00
Boys from twelve to fourteen years of age.....	20.00
Boys from fourteen to sixteen years of age.....	30.00
All over sixteen years of age.....	40.00
Girls from ten to twelve years of age.....	5.00
Girls from twelve to fourteen years of age.....	10.00
Girls from fourteen to sixteen years of age.....	20.00
Girls over sixteen years of age.....	25.00

Where the course of study elected is other than agriculture, the work shall be done under the direction and supervision of the teacher or supervisor, and said teacher or supervisor shall grade said work according to the fidelity, energy, perseverance

and accomplishment of the student, and the teacher or supervisor when practicable to do so shall estimate the value of the services so performed by each pupil. And it shall be a condition of graduation from any school operating under this act, that the pupil shall have accomplished the result above prescribed in the agriculture course or grade fixed by the teacher or supervisor in some other industrial course of study and work, herein provided for. Provided, the teacher or supervisor with approval of the board of education, may, for good cause, to be judged of by him, exempt any pupils from vocational work herein required, and provided, that he shall exempt any pupil from vocational work, who is physically unable to perform it.

6. That said board of education shall have full power to group school districts and adopt such rules and regulations as in their judgment seems best for the purpose of carrying out the provisions of this act.

7. To provide for the promotion of the purposes of this act, the court of county commissioners in said county, and the municipal authorities in the respective cities or towns thereof, may from time to time, appropriate from the general fund of the county or municipality the sums necessary for the carrying on of said vocational education, which appropriations when made, shall be set apart and kept as a special fund by the treasurer or depository of the county, city or town, and distributed and expended by direction and under authority of the board of education.

8. That upon the exercise of the option to establish vocational training, as herein provided, by the board of education of the county, it shall be and continue for a term of five years.

9. That all laws and parts of laws in conflict with this act, shall be and the same are hereby repealed.

Approved September 18, 1915.

No. 575.)

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AN ACT

(H. 1336—Ryan.

To establish the grades and widths of the public roads, bridges and causeways in the county of Cullman.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the public roads in the county of Cullman shall be of three grades. The first grade shall be from 50 to 100 feet in width, and the bridges and causeways from 16 to



30 feet in width, at the discretion of the commissioners court or board of revenue. The second grade shall be from 25 to 40 feet in width, and the bridges and causeways from 12 to 18 feet in width, at the discretion of the commissioners court or board of revenue. The third grade shall be from 15 to 25 feet in width, and the bridges and causeways from 10 to 12 feet in width, at the discretion of the commissioners court or board of revenue.

Sec. 2. All grades to be cleared of trees or other obstructions; trunks of all trees, stumps, and roots to be cut out; lanes through plantations to be of the same width as that of the road. The court of county commissioners or board of revenue may change or modify the grade, width, or location of any public road, bridge or ferry when it deems necessary, provided such change or modification is done in accordance with the law of the land.

Sec. 3. This act shall take effect immediately after its approval by the Governor.

Sec. 4. All laws and parts of laws, general, local and special in conflict herewith be and the same hereby are repealed.

Approved September 18, 1915.

No. 579.)

(H. 1167—Speir.

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AN ACT

To ratify, confirm and legalize all acts and orders of the court of county commissioners of Wilcox county, in the payment of road overseers appointed under the official road law of said county (found in Local Acts of Alabama, 1911, page 265); to ratify and legalize the payment of the convict agent appointed by said court; to ratify and legalize the hiring of teams by said overseers appointed under said act; and to legalize the payment of all warrants and orders of said court by the treasurer of said county pertaining to said law.

*Be it enacted by the Legislature of Alabama:*

Section 1. That all acts and orders of the court of county commissioners of Wilcox county, Alabama, in the payment of road overseers, appointed under the official road law of said county, (found in Local Acts of Alabama 1911, page 265), be, and they are in all respects ratified, confirmed and legalized.

Sec. 2. That all acts and orders of said court of county commissioners of Wilcox county, in the payment of the convict agent appointed by said court, be, and they are in all respects ratified, confirmed and legalized.

Sec. 3. That all of the road overseers appointed under said act in the hiring of teams for use in working the roads of said

county, be, and they are in all respects ratified, confirmed and legalized.

Sec. 4. That the payment of all warrants heretofore paid and the payment of all warrants already issued by said court, by the treasurer of said county, pertaining to said road law, be, and they are in all respects ratified, confirmed and legalized.

Approved Sept. 17, 1915.

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No. 581.)

(H. 1474—Smith of Geneva.

### AN ACT

To dissolve the municipal corporation of High Note, Geneva county, Alabama.

*Be it enacted by the Legislature of Alabama:*

1. That the municipal corporation of High Note, located in Geneva county, Alabama, be and the same is hereby dissolved.

2. That all of the records, books, and papers of the said municipality, and of its several officers, be placed in the office of the probate judge of Geneva county, where they shall be permanently preserved as public records.

Approved Sept. 17, 1915.

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No. 591.)

(H. 1560—Smith of Crenshaw.

### AN ACT

To amend subdivision seventeen (17) of an act approved December 13th, 1900, entitled an act to amend section five of an act to incorporate the town of Luverne, in the county of Crenshaw and State of Alabama, approved February 6th, 1891.

*Be it enacted by the Legislature of Alabama:*

That subdivision seventeen (17) of an act approved December 13th, 1900, entitled an act to incorporate the town of Luverne, in the county of Crenshaw and State of Alabama, approved February 6th, 1891, be and the same is hereby amended so as to read as follows: Sub-division seventeen:

(17). To punish by fine not to exceed \$100.00 and imprisonment or hard labor or both for any breach or violation of the

laws, ordinances, by-laws and regulations of said town, and to impose additional hard labor and imprisonment for non payment of fine and costs; said imprisonment, hard labor, and additional hard labor and imprisonment not to exceed six months in any one case; and that no female shall be required to work on the streets of said town; and the council may provide by ordinance for the hiring out within or without the county any male or female convicted of violation of an ordinance of said town, for the payment of fine and costs or during the time the prisoner was sentenced to hard labor or imprisonment; all contracts of hiring to be approved by the mayor and recorded in the office of the judge of probate of Crenshaw county. Provided: that in all cases of conviction in said mayor's court the defendant shall have the right of appeal to the circuit court of Crenshaw county, Alabama, under the rules and regulations governing appeals from county courts.

Approved Sept. 16, 1915.

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No. 592.)

(H. 1302—Thompson of Baldwin.

### AN ACT

To amend section five of an act entitled "An act to provide for the appointment of an official stenographer for the second judicial circuit of Alabama, and to prescribe his duties and to fix his compensation," approved August 9th, 1907, as amended by an act of the Legislature of Alabama, approved March 29th, 1911.

*Be it enacted by the Legislature of Alabama:*

Section 1. That section five of an act entitled "An act to provide for the appointment of an official stenographer for the second judicial circuit of Alabama, and to prescribe his duties and to fix his compensation," approved August 9th, 1907, as amended by an act of the Legislature of Alabama, approved March 29, 1911, be and the same hereby is amended to read as follows: Section 5. Said official stenographer shall receive eighteen hundred (\$1,800.00) dollars annually, payable in quarterly installments, in equal amounts, by the counties now or hereafter comprising the second judicial circuit of Alabama. The courts of county commissioners or boards of revenue of the respective counties now or hereafter comprising the said second

judicial circuit of Alabama are hereby required to provide for the payment of said salary in said quarterly installments.

Sec. 2. That the provisions of this act shall terminate on and after the first Monday after the second Tuesday in January, 1917, and the general law governing court stenographers will then become the law concerning the stenographer for the second judicial circuit.

Approved September 22, 1915.

No. 593.)

(H. 1082—Stephenson.

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AN ACT

To create for Walker county, Alabama, the office of full time health officer; to provide for the election of such health officer, and prescribing the term of office, duties, salary and expenses of such officer.

*Be it enacted by the Legislature of Alabama:*

1st. That the office of full-time county health officer, for Walker county, Alabama, be and the same is hereby created.

2nd. That the health officer of Walker county shall be elected to office by the county board of health for a term of three years, and shall hold office until his successor is elected and qualified. Provided, that nothing in this section shall prevent the county board of health from removing such health officer from office if in its judgment it deems it wise to do so.

3rd. The health officer of Walker county shall devote his entire time to the duties of his office during his term of office.

4th. The duties of the health officer of Walker county shall be those prescribed in the Code of Alabama for all county health officers, and such other duties as may be required of him by the county board of health.

5th. The salary of the health officer of Walker county shall be \$2,500.00 per annum, the same to be paid in monthly installments out of the general funds of the county, and shall be preferred against the county.

6th. The expenses of the health officer not to exceed \$500.00 shall be paid in the same manner as is his salary.

7th. This act shall go into effect January 1st, 1916.

8th. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Sept. 17, 1915.

No. 594.)

(H. 1452—Campbell.

## AN ACT

To authorize and empower the court of county commissioners of Cleburne county, Alabama, to donate to the town of Edwardsville, Alabama, the old court house building located therein.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Cleburne county, Alabama, are hereby authorized and empowered to donate to the town of Edwardsville, Cleburne county, Alabama, the building known as the old court house building, situated in the public square of said town of Edwardsville, Alabama.

Sec. 2. Be it further enacted, That said court of county commissioners of Cleburne county, Alabama, are authorized to convey the title to the property described (in section one) of this act, to said town of Edwardsville, Alabama.

Approved Sept. 17, 1915.

No. 595.)

(H. 1464—Davis.

## AN ACT

To ratify, confirm, approve and make legal certain warrants or orders which were paid by the treasurer of Walker county, Alabama, out of the road fund or road and bridge fund of said county, of Walker, from January 1st, 1909, up to and including May 1st, 1915; and to ratify, confirm, approve and make legal the payments of said warrants or orders, from said 1st day of January, 1909, up to and including May 1st, 1915.

*Be it enacted by the Legislature of Alabama:*

Section 1. That all warrants or orders which were issued by the court of county commissioners of Walker county, Alabama, against the road fund or road and bridge fund of said county of Walker, for the purpose of paying for the construction or repair of bridges, or for material furnished or work done in the construction of bridges, and for the maintenance or operation of ferries, be and the same are hereby ratified, approved and made legal: provided that this act shall only apply to and ratify, approve and make legal, such warrants or orders as were paid after the 1st day of January, 1909, and up to and including the 1st day of May, 1915.

Sec. 2. That all payments or warrants or orders mentioned or orders mentioned in section one hereof, made by the treas-

urer of Walker county, Alabama, out of the road fund or road and bridge fund of said county of Walker, since the 1st day of January, 1909, and up to and including the 1st day of May, 1915, are hereby ratified, confirmed, approved and made legal.

Approved Sept. 17, 1915.

No. 598.)

(H. 1647—Pugh.

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AN ACT

To make an appropriation of three hundred twenty-four and 74/100 dollars out of the fine and forfeiture fund of Clarke county, Alabama, for the relief of C. A. Coats, ex-sheriff of said county.

*Be it enacted by the Legislature of Alabama:*

1. That the sum of three hundred twenty-four and 74/100 dollars be and the same is hereby appropriated out of the fine and forfeiture fund of Clarke county, Alabama, payment in full for services performed by said C. A. Coats, during his term of office as sheriff of said county, during the years 1911, 1912, 1913, 1914, and 1915, and for which services he has never been paid.

2. That on the presentation of a statement, duly verified, and receipted by said C. A. Coats, in which the county is discharged in full from any and all obligations for the services specified in paragraph 1 hereof, the county treasurer, or other person, firm or corporation acting as county treasurer, or county depository, is directed and required to pay the amount hereinabove appropriated out of the fine and forfeiture fund of Clarke county.

Approved Sept. 17, 1915.

No. 599.)

(H. 1563—Yarbrough.

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AN ACT

To repeal an act "To allow stock to run at large within certain limits in beat five in Lee county, Alabama, at certain seasons in the year."

*Be it enacted by the Legislature of Alabama:*

1. That an act "To allow stock to run at large within certain limits in beat 5 in Lee county, Alabama, at certain seasons in the year," approved February 28, 1901, be and the same is hereby repealed.

Approved September 22, 1915.

No. 603.)

(H. 1396—Johnston of Madison.

## AN ACT

To amend an act, entitled "An act, to provide for the construction, repairing, working and maintaining of the public roads and bridges of Madison county, Alabama, and to provide penalties for the violation thereof," approved March 20th, 1911, substantially as follows:

*Be it enacted by the Legislature of Alabama:*

That the caption of said act, as amended, shall read as follows:

Section 1. A bill to be entitled an act to provide for the construction, repairing, working and maintaining of the public roads, bridges, buildings or property of Madison county, and to provide penalties for the violation thereof, and to provide for the working of convicts on said roads, bridges, buildings or property.

Sec. 2. That section 3 be amended so as to read as follows:

Section 3. That the supervisor of public roads shall receive a salary for each year's service of not less than two thousand dollars, nor more than twenty-four hundred, to be determined within said limit by the commissioners court, and to be paid to him in monthly installments at the end of each month, by warrant, to be drawn by the judge of probate on the road fund of the county.

Sec. 3. That section 4 shall be amended so as to read as follows: Section 4. That said supervisor shall have control and supervision of all the public roads of said county, as to the manner of working, repairing and maintaining the same, and to changes of old roads, or of repairing and building bridges, culverts or causeways, and shall have control and management of all convicts when working under the provisions of section 30 hereof, and shall have the power to appoint or discharge necessary overseers and guards for the proper management and supervision of said convicts, and shall supervise the purchase of food, clothing and other necessities, and shall also have control and management of the county's teams and road building equipment, and of the appointment and discharging of bosses and overseers of said teams and equipment; provided, that at all times the said supervisor shall be under the direction and control of the commissioners court of said county.

Sec. 4. That sections 5 and 6 be repealed, and that the following section be in lieu thereof: Section 5. The road super-

visor shall divide the public roads of each precinct into sections of such length as he may determine, and shall appoint one or more overseers for each precinct, as may be necessary, for a term of two years for the efficient and proper working of and maintenance of the roads in such precinct, and may assign such section or sections to each overseer as may be determined, and to each overseer he shall apportion such road hands for each section, as to the amount and character, of work to be done on such section as may be necessary, and he shall deliver a list of road hands to such overseer, and keep a duplicate list for filing in his office, and to there be ready for reference.

Sec. 5. That sections 9 and 10 be amended as follows: That wherever the word "enumerator" appears in sections 9 and 10, that same be stricken out, and the word "overseer" be inserted in lieu thereof.

Sec. 6. That section 11 be, and the same is hereby repealed.

Sec. 7. That section 20 of said act be, and the same is hereby amended, so as to read as follows: Section 20. That the overseers of the roads, appointed under this act, shall receive two dollars per day each, during the term they are actually engaged in working said roads, provided, however, that they shall not be exempt from road duty if they are between the ages of twenty-one and forty-five years.

Sec. 8. That sections 21 and 23 be amended as follows: That wherever the word "enumerator" appears in sections 21 and 23, that the same be stricken.

Sec. 9. And that said bill be amended by adding the following sections:

Section 30. Persons sentenced to hard labor by the courts, may be worked upon the public roads, bridges, buildings or property of the county, or the same may be hired out to contractors under contracts made by the contractors, and the court of county commissioners.

Section 31. Any person who has been warned to aid in opening new roads, as provided by law, may pay the overseer such sum in lieu of said aid as may be determined by the overseer, provided such payment is made on the day he is warned. Such overseer shall report under oath to the road supervisor the names of those working on the road, the names of those who paid money in lieu of such work, and the amount so paid, and an account showing how much money was disbursed.

Sec. 10. These amendments shall become effective on Oct. 1, 1916.

Approved Sept. 17, 1915.



No. 604.)

(H. 1268—Yarbrough.

## AN ACT

To provide for the better building, maintenance and protection of the public roads and bridges of Lee county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Lee county shall within thirty days after the approval of this act elect a county engineer who shall be the superintendent of public roads of said county; he shall be provided with a properly furnished office in the county court house or elsewhere in the county seat, and shall hold office subject to the pleasure of the court of county commissioners. The said county engineer shall have charge of the location, construction, improvement and maintenance of the public roads, bridges and ferries of the county, subject to the general direction of the court of county commissioners; he shall be the custodian of the records of the county concerning roads and bridges, except as herein provided; he shall select all of his subordinate employees, subject to the approval of the county commissioners; he shall prepare and approve all plans and specifications; and none of his plans and specifications, orders or directions shall be countermanded or changed, except by a specific resolution of the court of county commissioners duly entered on the minutes. The county engineer shall devote his entire time to the duties of his office designated herein and such other duties as shall be assigned to him by the court of county commissioners. The salary of the county engineer shall be fixed by the court of county commissioners, provided that the salary shall not be less than \$1,500.00 nor more than \$2,100.00 per annum, payable monthly. Said engineer before taking office, shall furnish the county with surety bond in the sum of (\$1,000.00) one thousand dollars.

Sec. 2. That no person shall be eligible to hold the office of county engineer unless he is a competent civil engineer and experienced in the construction of roads; and unless he shall pass satisfactorily an examination designed to test his fitness for such office. Said examination shall be held under the direction of the State highway commission and under such regulations as it may prescribe.

Sec. 3. That before any work is done in the construction or improvement of any road or bridge, except necessary maintenance work, the engineer shall make such surveys as may be necessary, shall prepare definite plans, specifications and an estimate of the cost of the work and shall submit said plans, specifications and estimate of cost for the approval of the court of county commissioners with a recommendation as to the best method of doing the work. The court of county commissioners shall pass upon such plans, specifications and estimates and when said plans and specifications are approved, the county engineer shall be authorized to proceed with the work by contract or by force account as the court of county commissioners shall direct. If the court of county commissioners determine to do such work by contract, the county engineer shall advertise for bids in a newspaper published in the county, in a daily newspaper of general circulation in the State of Alabama and by posting a copy of the advertisement at the court house. The said advertisement shall state the general character of the work to be done, the amount of certified check required, and the time and place at which bids will be opened. The court of county commissioners shall require all bids to be sealed and to be accompanied by a certified check which shall bind the bidder to enter into a contract in the event of his being awarded the work. If reasonable bids are received for doing the work, the contract shall be awarded to the lowest responsible bidder, provided that the court of county commissioners may reject all bids or they may reject the bid of any contractor who is inexperienced or incompetent or who is known to have a bad record in the performance of public work.

Sec. 4. That the court of county commissioners may enter into a contract with a contractor for the construction, repair or maintenance of any road, bridge or ferry, or any appurtenance thereto provided that all contracts for the construction work shall be let under the preceding provisions of this act.

Sec. 5. That any contractor employed to construct or maintain any road, bridge, ferry or any appurtenance thereto shall before entering upon the execution of such work execute a bond payable to the county of Lee for twice the amount of the contract price; said bond to be made by a surety company approved by the court of county commissioners and conditioned upon the faithful performance of the contract and the discharge of his duties thereunder.

Sec. 6. That if the county, any municipality, corporation, or person is injured or damaged by the failure of such contractor to faithfully perform his contract and discharge his duties thereunder, an action may be maintained under such bond, to recover such damages as they may have suffered.

Sec. 7. That the court of county commissioners shall have authority to purchase such materials, supplies, teams and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of the public roads, bridges and ferries of the county. The county engineer shall prepare requisitions for such materials and supplies as will be needed for roads and bridges and shall obtain quotations from at least two dealers on each class of article required, and shall submit said requisition to the court of county commissioners. When such requisition is approved by the court of county commissioners, the county engineer shall be authorized to purchase such approved articles at prices not exceeding those specified in the requisition. The county engineer with the approval of the court of county commissioners shall be authorized to employ such assistant engineers, inspectors, rodmen, foremen, overseers, laborers, artisans and teams and to rent such equipment as may be necessary for properly carrying on the work of construction and maintenance of the public roads and bridges of the county. The county engineer shall employ a sufficient number of persons to systematically drag each public dirt road in the county, as directed by the county engineer and the court of county commissioners; shall fix the price for dragging so as to allow reasonable wages for the men and teams performing such service.

Sec. 8. That the county engineer shall require all bills, including estimates allowed contractors and allowances for salaries and expenses, be made in duplicate. He shall certify as to the correctness of each bill and shall file the duplicate of each bill in his office and will issue a warrant to the county treasurer for the amount of each bill certified by him, the bill and warrant to bear the same serial number. Before a warrant issued by the county engineer shall be payable it shall have been previously authorized and approved by the court of county commissioners and shall be presented, with its corresponding original bill, to the chairman of the court of county commissioners, who shall countersign said warrant and file the original bill in his office. This file and that in the county engineer's office shall be preserved as public records and they shall

be delivered by the county engineer and the chairman of the court of county commissioners to their respective successors in office. The warrants issued by the county engineer in accordance with the provisions of this act, when countersigned by the chairman of the court of county commissioners, shall be paid by the county treasurer and charged to the road and bridge fund.

Sec. 9. That the court of county commissioners, if they deem it advisable, may call upon the State highway engineer for advice upon any question connected with their road work, and such advice shall be furnished free of charge and the said court of county commissioners shall have authority to employ a special engineer to advise them upon any special problem when, in their judgment, the best interest of the public renders such advice necessary, and when a bridge of unusual size or type of construction is to be built the court of county commissioners are authorized to employ a special engineer to design and supervise its construction.

Sec. 10. That the county engineer shall prepare a map of the county showing the location of all public roads and indicating the character of improvements which have been made on each road. This map shall be revised and brought up to date monthly. A tracing of such map shall be made and deposited for safe keeping in a vault of the probate office; and said tracing shall be brought up to date monthly.

Sec. 11. That the court of county commissioners shall, with the advice of the county engineer, classify all of the public roads of the county into classes designated as first class, second class, third class and fourth class roads. The lawful widths of rights of way of the several classes of roads shall be as follows: First class roads 50 feet; second class roads 40 feet; third class roads 30 feet; fourth class roads 20 feet. The widths of traveled ways, the grades and character of improvement of each road shall be determined by the court of county commissioners in view of the requirements of traffic on each road; and the court of county commissioners may change the classification of any road or any specified part of a road at any time.

Sec. 12. That when a new road is to be constructed or the location of an existing road to be changed the court of county commissioners shall pass a resolution directing the county engineer to make a preliminary survey for said road, describing the terminal points of the said survey and appointing a time at which the court of county commissioners will meet to hear ob-

jections to location of said road or its classification. As soon as practical after the passage of such resolution, the county engineer shall stake out said road and prepare a map and profile of the same. The map shall show all buildings and fences within 200 feet of the said road and any other improvements which may effect the amount of damages which may be caused to property by the construction of said road. It shall also be the duty of the county engineer to publish a notice to the effect that he has made surveys for said road; that the map and profile are on file in his office and subject to public inspection, and giving the time when the court of county commissioners will meet to hear objections to the location of said roads or its classification. Such notice shall be given by publication in a newspaper of general circulation in the county, by posting a copy at the court house, and by posting one copy at each terminal point of the survey. The court of county commissioners shall meet at the court house at the time named in said notice and after hearing objections to the location of said road or its classification, the said commission may confirm said location, order it amended or abandoned; and said action shall be shown on its minutes.

Sec. 13. That the court of county commissioners may secure the right of way for roads by donations, purchase or by condemnation.

Sec. 14. That the court of county commissioners shall have the right, authority and power to condemn land for road purposes under the provisions of article 1, chapter 79, of the Code of Alabama, 1907, notwithstanding the fact that there may be other modes of proceeding by law for the condemnation of land for the establishment or change of roads; and such proceedings shall be conducted in the name of the county as petitioner, and the county shall provide for the payment of all charges in connection with the condemnation of said land.

Sec. 15. That the convicts of the county may be worked upon the public roads, bridges or ferries of the county, or they may be worked under the direction of the court of county commissioners in quarries, gravel pits or any plant owned by the county and used for the production of road materials, although said quarry, pit or plant may be located in another county or said convicts may be hired to or from another county or from the State, or to contractors under contracts to be made between such contractors and the court of county commissioners or other county or the State.

Sec. 16. That convicts shall not be worked in squads or companies with other persons required by law to perform road duty.

Sec. 17. That the court of county commissioners of the county may enter into a joint agreement with the road authorities of one or more adjoining counties whereby the convicts of the several counties may be combined in one gang, provided that an equitable division of the time of the gang between the several counties shall be arranged. The several counties entering into such agreement may invest jointly in such equipment as may be necessary for properly working and caring for such joint convict gang.

Sec. 18. The court of county commissioners of Lee county shall at the time of making the annual levy of taxes for general county purposes, levy a special tax on all the taxable property of the county of one-fourth of one per centum on the assessed value of such taxable property. Such tax shall be levied and collected for the purpose of paying any debt or liability now existing or that may hereafter be created for the erection, construction or maintenance of necessary public buildings, bridges or roads, and such tax shall be levied and collected as other county taxes, which tax so levied and collected shall be applied exclusively to the purpose for which the same is so levied and collected.

Sec. 19. That all money received by the county from the license taxes on automobiles shall be paid into the county road and bridge fund and used only for the construction and maintenance of public roads and bridges.

Sec. 20. That the male inhabitants of the county not under eighteen and not over fifty years of age except those exempted by the following section shall be required to work on the public roads of the county during each year for ten days of nine hours each; provided that he may pay in lieu of such personal service the sum of \$3.00 per year to be paid to the judge of probate not later than the first day of April, said money to go into the county road and bridge fund and shall be used for the construction and maintenance of roads and bridges. The judge of probate shall furnish the county engineer with a list of persons who pay the per capita tax in lieu of personal service.

Sec. 21. That the following persons shall be exempt from road duty: All women, and all men under the age of 21 and over the age of 50 years; any person who has lost an arm or

leg, and all persons who by nature or disease are rendered incapable of performing hard labor, who shall procure a certificate of such incapacity from the county board of health sitting as a board.

Sec. 22. That no person or hand is liable to work on any public road at a point on said road more than six miles from his residence.

Sec. 23. That for the purpose of maintaining the public roads the court of county commissioners shall from time to time divide the county into a convenient number of road precincts and require the county engineer to appoint one or more overseers for each precinct. The term of office of said overseers shall be one year; but he may be discharged for neglect of duty or inefficiency. When a vacancy occurs in the office of overseer the county engineer shall appoint some person to fill out the unexpired term.

Sec. 24. That it shall be the duty of each overseer to take a census of the persons within the area assigned to him who are subject to road duty, giving the age and color of each such person and the quarter section, farm or plantation on which he resides, and to turn a list of such persons in to the county engineer. Before entering upon his duties, each overseer shall be subscribed to the statutory oath to faithfully perform his duties, which oath may be administered by the county engineer. The satisfactory performance of these duties shall exempt said overseer from road work or service.

Sec. 25. That the county engineer will enter the names of all persons who are subject to road duty in a suitable ledger which shall have appropriate columns for credits of money or labor.

Sec. 26. That the county engineer shall apportion such hands as do not pay the per capita tax to the roads nearest their places of residence. He shall employ a sufficient number of overseers at a rate not to exceed \$2.00 per diem. The county engineer shall go with each overseer over the road apportioned to him and point out the work to be done and will furnish him with a list of road hands who will work under his direction.

Sec. 27. That persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire and not for their own use or for the improvement of their farms shall pay a license of two and one-half dollars per month for each two horse wagon and five dollars per month for each four horse wagon so used in such hauling. It is not intended here-

by to require a license for private hauling connected with or usual to the ordinary operation of a farm, or any one hauling cord or stove wood, whether for sale or not. It shall be unlawful to do any hauling herein forbidden without first procuring such license. Any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction fined not less than ten nor more than (\$50.00) fifty dollars, to be paid in lawful money, which fine, when collected, shall be paid over to the road supervisor as part of the road fund.

Sec. 28. That all male inhabitants of the county between the ages of twenty-one and sixty-five years are subject to road duty under this act as overseers.

Sec. 29. That any overseer who fails to perform his duty as such under the provisions of this act shall be liable to prosecution and fined on conviction not less than ten nor more than fifty dollars.

Sec. 30. That it shall be the duty of every person, firm or corporation, land owner or agent employing hands to furnish the overseer upon his application, a list of male hands in their employ or living on their lands, and failing to do so, such person, firm, corporation or land owner shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

Sec. 31. That it shall be the duty of the court of county commissioners of Lee county to have this act printed for use of said court and other courts of the county and for the officers herein named.

Sec. 32. That as soon as practicable the court of county commissioners shall prepare and adopt such rules and regulations, not in conflict with this law, for the construction, improvement and maintenance of roads and bridges as they shall deem most suitable for the requirements of and bring the most practical results to the county.

Sec. 33. That within one year after the approval of this act the court of county commissioners shall cause to be erected at the intersection and crossing points of all roads, substantial sign boards with suitable device and lettering thereon to indicate the direction and distance to the nearest town or city.

Sec. 34. That all laws and parts of laws not in conflict with this act shall remain in full force and effect, and all laws and parts of laws in conflict with the provisions of this act are hereby repealed in so far as they relate to Lee county.

Approved September 22, 1915.



No. 607.)

(H. 1371—Goode.

## AN ACT

To provide for the construction, repairing, working and maintaining of the public roads and bridges of Wilcox county, Alabama; to provide revenue for the same; to define the powers and duties of the county commissioners with reference to same; to provide for the purchase of mules and equipment for same; to provide for the appointment of a supervisor and of overseers, defining their duties, prescribe rules, regulations and penalties in order to carry into effect the provisions and purposes of this act.

*Be it enacted by the Legislature of Alabama:*

Section 1. That, the court of county commissioners of Wilcox county shall, within sixty days after the approval of this act, and every two years thereafter, except as hereinafter provided, appoint a supervisor of public roads and bridges for said county, whose terms of office shall be for two years; provided, however, that the supervisor first appointed after the approval of this act shall hold office until the second Monday in February, 1918, at which time his successor shall be appointed for a term of two years, and every two years thereafter a supervisor shall be appointed. Such supervisor shall be a competent civil engineer with experience in road and bridge building, who shall pass satisfactorily an examination designed to test his fitness; said examination to be held under the direction of the State highway commission or State engineer and under such regulations as it may prescribe, and shall be subject to removal by said court of county commissioners for drunkenness, incompetency, or neglect of duty, or other good cause. Such supervisor may make the bond required of him in section 3 of this act in a solvent guarantee company, to be approved by the probate judge of said county.

Sec. 2. If said court of county commissioners fail to comply with the requirement of section 1 of this act, each member thereof shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred (\$500.00).

Sec. 3. That such supervisor, shall before entering upon the duties of his office, qualify by taking and filing the statutory oath of office and giving bond conditioned for the faithful performance of the duties of such office, payable to Wilcox county in the sum of \$5,000.00 with sureties thereon to be approved by the judge of probate of said county, which oath and bond shall be recorded as official bonds are now required to be recorded, in the office of the probate judge.

Sec. 4. That the supervisor of public roads shall receive a salary for each year's services of not less than \$1,500.00 nor more than \$2,500.00, to be determined between said limit by the commisisoners court, and be paid in monthly installments at the end of each calendar month by warrant to be drawn by the judge of probate on the road fund of the county.

Sec. 5. That said supervisor shall have control and supervision of all the public roads of said county as to the manner of working, repairing and maintaining the same, and to changes of old roads and establishing and locating of new roads, when ordered established by the commissioners court, and of the execution of any contract that may be made for the working and repairing of roads, or of repairing and building bridges, culverts or causeways.

Sec. 6. That it shall be the duty of said supervisor by the first day of January, 1916, to divide said county into eight districts, which shall be known as road districts, making such divisions in such manner that the number of miles of public roads in each of said districts will, as nearly as conditions will permit, contain an equal number of miles.

Sec. 7. That the term of office of all the present overseers in said county shall expire on the first day of January, 1916, after the qualification of said supervisor, and thereupon the supervisor shall appoint one overseer for each road district hereinbefore provided for in said county for the term of two years, for the enumeration of hands subject to road duty, and for the proper and efficient working and maintenance of the roads of said county, as well as for the performance of any other duties hereinafter provided for.

Sec. 8. That the court of commissioners of said county by the first day of January, 1916, after the approval of this act shall purchase a sufficient number of mules, suitable for road work, road machines, and auxiliary equipment, including gear, drag scrapes, double plows and splitlog road drags or other necessary equipment, to furnish the overseers in each road district with at least four mules with gear, one road machine, one wheel scraper, two drag scrapes and one doublehorse plow, and one split log road drag; and any such mules and other equipment which it may be necessary for them to purchase, as herein provided, the court of county commissioners shall issue in payment thereof its warrant on the county treasurer, and in the event that the county has not sufficient funds in the hand of said treasurer to pay said warrants at the time of said pur-

chases, they shall issue to the party, or parties, from whom such purchases were made interest bearing warrants of said county.

Sec. 9. That it shall be the duty of said supervisor to make out a bill of all necessary feed-stuffs for the maintenance and feed of said mules, as provided for, and he shall obtain as nearly as possible the lowest market prices at which said feed-stuffs can be bought, and present to the court of county commissioners at their first regular meeting after his qualification, and every three months thereafter, such bill together with the prices at which such feed-stuffs can be obtained for the succeeding three months; and on the approval of said bill and prices by the court of county commissioners, he shall furnish each overseer in each road district sufficient feed for the maintenance and feed of the mules in said district for the period of one month; and the supervisor shall give to the party, or parties, from whom such feed-stuffs are purchased an order on the commissioners court for the amount so purchased, when on its approval the court of county commissioners shall issue warrants drawn on the county treasurer to the party, or parties, from whom the purchases were made for the amount of said purchases.

Sec. 10. That it shall be the duty of said supervisor to cause such overseer, as provided in section 7 to take and subscribe in writing an oath that he will faithfully perform the duties of overseer, which oath may be administered by said supervisor, and before taking office shall furnish the county with surety bond in the sum of \$1,000.00, which shall be filed in the office of the judge of probate. To each overseer so appointed the said supervisor shall deliver a commission. Provided that when a vacancy occurs in the office of the overseer from whatever cause, the same shall be filled by said supervisor, and provided further that said supervisor may at any time he may deem advisable remove any overseer.

Sec. 11. That said supervisor shall personally inspect the roads in the county at least four times each year, and when making such inspection, when practicable, shall be accompanied by the overseer of the district, and he shall make such suggestions and give such directions as to changing roadbeds, establishing, repairing, improving and working the public roads, in building and repairing and maintaining bridges and culverts as he may deem proper. He shall make full reports of the conditions of the public roads and the manner in which any con-

tracts have been, or are being, executed to the court of county commissioners at the February, April, August and November terms of said court in each year and such special reports as said court may call for at other times.

Sec. 12. That it shall be the duty of each overseer appointed under this act to feed, care for, and work the mules placed in his charge as he may be directed by said supervisor; and that said overseer shall take care of the feed-stuffs furnished him and shall make report to the supervisor every thirty days stating the amount of feed-stuffs, if any, on hand at that time.

Sec. 13. That each overseer hereinbefore provided for shall immediately after the first day of January of each year make a thorough and complete canvass of his road district, taking down the names and ages of all male inhabitants of the said district over eighteen and under forty-five years of age residing in said road district, and entering opposite each name so enrolled the name or location of the farm on which he resides or the location of the house in which he dwells, and the name of the public road nearest his dwelling place. The said enrollment shall be written in a plain, legible manner with ink, and upon the completion of the enrollment be at once filed in the office of the supervisor. Such enrollment book must be completed and filed by the first day of February of each year.

Sec. 14. That said overseer shall have authority to administer oaths, and in making his enrollment of road hands or at any time when it may be necessary to list persons to road services, if the person proposed to be listed shall claim to be over forty-five or under eighteen years of age, the said overseer may take the affidavit of such persons or any person proposed to be listed, which affidavit shall be in writing and subscribed by the affiant, and the same shall be preserved and filed by such overseer in the office of the supervisor except in cases when he has cause to believe that perjury has been committed, when he shall return such affidavit to the grand jury; provided, that in listing persons for road duty no person who shall have a certificate of exemption from the county medical board, shall be listed for road service if such disability be permanent and so stated in the certificate.

Sec. 15. That it shall be the duty of each overseer to make monthly reports in writing and under oath to the supervisor of any and all monies received by him from hands in commutation of labor, the name of the person from whom received and when and for what paid, and shall pay over the same to the

county treasurer, taking his receipt therefor, to be credited by him on the books of the road fund of the county, and it shall be the duty of the commissioners court, as far as practicable, to appropriate for each district an amount at least equal to such funds as may have been received from such district for the working or maintenance of the respective roads in such district. Any overseer appropriating for his own use any money paid him in commutation of labor shall be guilty of embezzlement and shall be liable to criminal prosecution therefor as provided by law in such cases. Any overseer who fails to make sworn report as required in this act shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than \$50.00 nor more than \$500.00.

Sec. 16. That all persons subject to road duty under the general laws of the State or under the provisions of this act shall be required to work upon the public roads of said county for not less than ten days of each calendar year, or, instead thereof, shall pay the sum of \$4.00 annually, if paid by the first day of February of each year; which shall be paid to the overseer of the district in which such party paying same resides. Any person subject to road duty who elects to pay the \$4.00 in money as herein provided must pay same by the first day of February of each year, but after such time such party shall then work on the roads when warned or pay \$5.00 in money to the overseer the day he is warned, or must send as a substitute an able-bodied man. Provided, that if any person subject to road duty under this act shall have worked part of his time on the road, he may at any subsequent time he is warned pay a pro-rata portion of \$5.00 for the remaining time he is to work.

Sec. 17. That whenever an overseer shall determine that a dirt road needs repairing or working, or when the supervisor shall so direct, he shall call out such hands as he may deem sufficient in number to work or repair said road. And if any hand who has not paid the commutation tax herein provided shall fail or refuse to work, it shall be the duty of the overseer within five days from the time the warning to work, was given, to notify the supervisor and also to return each and every hand so failing or refusing, to a justice of the peace of the county or to the county court of said county, and such road hands shall be proceeded against as a road defaulter under the general laws of the State. The overseers shall in March and September of each year report in writing and under oath to the supervisor what road hands worked and how long, and what road hands

paid and how much, and what road hands neither worked nor paid.

Sec. 18. That a day's work for each road hand under this act shall be ten hours actual service and the warning of hands shall be made in accordance with the general laws of the State. No hand shall, however, be required to go more than five miles from his residence in working public roads.

Sec. 19. That when a road hand who has performed part of his road services removes from a district, it shall be the duty of the overseer to furnish him on demand a written certificate showing the time he has served during the calendar year, which certificate shall be an exemption to such hand to the extent of the time worked from road services in any other district in the county to which he may remove.

Sec. 20. The supervisor shall let all repairing, keeping in order, building or construction of all macadamized and hard surfaced roads and public bridges, except emergency repairs of less than \$50.00 in value, at public outcry to the lowest responsible bidder upon such notice and at such place within the county the commissioners court may prescribe. All work shall be done in accordance with full and accurate specifications to be furnished by the supervisor. Each contractor shall give bond to be approved by the judge of probate for the faithful performance of his contract equal to the amount he is to receive for the work undertaken by him. When such work is finished it shall be examined by the supervisor and, if approved by him, he shall give the contractor an order on the commissioners court for the amount of his contract, which shall be paid by warrant drawn on the road fund of the county after same is allowed by the commissioners' court. The supervisor shall have the right, if he thinks the bids for work on such roads too high, to reject any and all bids made. In this event he shall readvertise for bids for such work, and, if in his judgment, all bids are still too high, he shall have the right to reject them, and the commissioners court shall then order such work to be done by said supervisor. A careful account of the cost of such work so done by the supervisor shall be kept and filed with the probate judge, and shall be opened to the inspection of the public. The supervisor shall also have the right to reject the bid of any party who has the reputation for being dishonest or incompetent.

Sec. 21. That the overseers appointed under this act shall receive a salary for each year's work of not less than \$480.00 nor more than \$600.00, to be determined between said limit by the

court of county commissioners, and to be paid by monthly installments at the end of each calendar month by warrants to be drawn as prescribed by law on the road fund of the county. And it is hereby expressed provided that said overseers shall devote their entire time to work on the roads of said county and to the performance of any other duties prescribed in this act; and that in the event the weather or road conditions are such that it is impracticable to carry on the work of road building or working, it shall be the duty of said overseers during such times to drag with a split-log road drag, hereinbefore provided for, as much of the roads in his district as is possible.

Sec. 22. That each overseer appointed under this act is authorized to employ one able-bodied man, who shall be known as his assistant, for help in the care, maintenance and operation of the teams and equipment furnished said overseer; and said assistant shall be under the direction of the overseer by whom he is employed, and shall be subject to removal at any time for neglect of duty by said overseer, or by the supervisor, or for any other cause. That the salary of said assistant shall not exceed \$15.00 for each month's work to be paid at the end of such calendar month upon the order of said overseer, which order shall first be approved by the supervisor, to the court of county commissioners who shall issue their warrant drawn, as provided by law, on the road funds of said county and payable to said assistant.

Sec. 23. That any overseer or supervisor who fails to perform his duty as such, under the provisions of this act, shall be guilty of a misdemeanor and liable to prosecution and fined on conviction of not less than \$50.00 nor more than \$500.00.

Sec. 24. The supervisor shall be required to devote his entire time to the public roads and bridges of the county, and he shall keep such books and accounts, list of overseers and road hands and reports as to show all transactions pertaining to the establishment, working, repairing and maintaining of the public roads and bridges of the county.

Sec. 25. That the supervisor of roads shall not be under control or direction of the commissioners court except as provided herein. Said commissioners court shall have the power to order the opening of new roads and closing of old ones, and shall make the necessary provisions for furnishing the supervisor with all the necessary stationery and blanks for the use of his office, and shall provide said supervisor a suitable office in either the court house or in some other place in the town of Camden.

Sec. 26. If the court of county commissioners shall order that a new road be opened between certain points located in the order made by said court, or if the court of county commissioners shall order that the location of an existing road be changed, the supervisor shall thereupon ascertain the best location for said new or changed road, shall stake out same, and shall prepare a map and profile showing the location of the road, and its relation to the adjacent lands, the location of all houses and other improvements within 200 feet of said new road, and the grade of the road. This map and profile together with a report of the supervisor shall be submitted to the court of county commissioners as early as practicable. If such location is approved by said court and a satisfactory agreement cannot be made for the donation or purchase of necessary right of way, which shall be fifty feet wide if a first grade road, forty feet wide if a second grade road, and thirty feet wide if a third grade road, the probate judge shall then appoint the supervisor to again view the proposed location for the road, to inquire of owners of neighboring lands as to the value of such lands, and to assess a fair value for the land proposed to be taken for such road, and the damages, if any, that will result from the construction of such road. He shall promptly report in writing his conclusions to the court of county commissioners, and the owner of the land proposed to be taken shall have five days after the filing of such report in which to appeal from such valuation and assessment of damages to the circuit court of Wilcox county; and if such owner elects to take such appeal, he shall be required by the judge of probate to give security for the costs of such appeal, with two good and sufficient sureties in such amount as may be fixed by the judge of probate not to exceed \$5,000.00. On the hearing of any such appeal in the circuit court of said county, the trial shall be de novo. If no appeal is taken in the manner herein provided, and within the time herein prescribed, the court of county commissioners shall cause to be paid to such owner the amount of damages so assessed by the supervisor; and said supervisor shall then take necessary steps to change, open or construct said road.

Sec. 27. The court of county commissioners are hereby authorized and empowered to work the convicts of Wilcox county on the public roads of said county, and also to hire or lease the convicts of another county for such purpose, and also to hire or lease the convicts of Wilcox county to any other county in the State for the purpose of working on the public



roads of such county. The court of county commissioners shall also have the right to purchase and own jointly with any other adjoining county the necessary cages, teams and all other equipment for road building, and to make such provisions or rules as may insure to Wilcox county an equitable division of the use of such equipment together with the time of the convicts of this county with the convicts of such adjoining county; and in the execution of this plan may permit the convicts of this county to be worked on the public roads of such adjoining county. The working time of the organization being divided between the two counties according to the number of convicts each county has on the road-gang; all expenses being divided in a like manner.

Sec. 28. That the supervisor shall prepare a map of the county showing the location of all the main public roads now existing in the county, which are "main public roads," to be determined by the court of county commissioners, which roads shall be surveyed and relocated by the first day of March, 1916, and before any money whatever is spent on the improvement of any public road or the renewal of any bridge (except repairs absolutely necessary to keep such road or bridge passable and safe) this must be done. This map shall be revised and brought up to date monthly and a tracing of such map shall be made and deposited for safe keeping in the vault of the probate office, and said tracing shall be brought up to date monthly. The convicts of the county shall never be worked on any public roads until same has been properly located by the supervisor.

Sec. 29. Said supervisor is hereby made purchasing agent and is authorized to purchase such materials, supplies and equipment as may be necessary for the proper carrying on of the work or construction or maintenance of the public roads of the county. But before he shall purchase any such supplies, material or equipment, other than feed for teams as provided in section 9, he shall first submit in writing a list of the articles proposed to be purchased to the court of county commissioners, and shall have their consent that same shall be purchased. After such consent is obtained the supervisor shall advertise for sealed bids by publication in some newspaper in the county for two consecutive insertions, and by posting notice for ten days in front of the court house door in Camden, and shall purchase same from the party who offers to furnish same at the lowest price provided said bidder is a responsible party, and provided the supervisor does not consider the price charged excessive.

Sec. 30. The mode of warning road hands is for the overseers, or some one appointed by him, to give two days notice in person or in writing to be left at the place of residence to all persons liable to road duty, to meet at such time and place as the overseer may appoint, and with such tools as he may direct.

Sec. 31. Any person subject to road duty who moves into this county after January 1st of each year shall work a pro rata number of days or pay a pro rata commutation tax in lieu thereof at the rate of \$5.00 per annum. The inhabitants of incorporated towns in Wilcox county shall be subject to the provisions of this act, when such incorporated towns have become dormant and inefficient, no street tax is assessed and collected, and no petition is made to the probate judge for reinstatement of the municipality. In such cases the overseers are required in working the road inside incorporated limits, to pay due regard to the repair of sidewalks. If however an incorporated town in Wilcox county is active and efficient, its roads worked and street taxes collected according to section 1336 of the Code of Alabama (1907), its inhabitants shall not be subject to road duty under the provisions of this act.

Sec. 32. All funds received by Wilcox county from the hire of county convicts and any funds that may be received from the State from the hire of convicts shall be used only for the construction or improvement of the public roads of Wilcox county.

Sec. 33. In addition to the duties and powers heretofore granted to overseers, they shall also have the power and it shall be their duty to dismiss from service any hand, whether working for himself, or as a hired laborer, who may fail or refuse to do good and faithful work, or shall hinder or delay other hands, or who shall refuse to obey any reasonable orders, and any such person shall be liable to the same punishment as if he had failed to obey the notice to work on the roads to which he is warned. Overseers shall also take care of all tools and implements delivered to them by the supervisor, and shall use same only to work the public roads, and shall deliver them to their successors, or on order of the supervisor.

Sec. 34. That all monies received by the county from license taxes on automobiles shall be paid into the county road fund and used only for the construction and maintenance of the public roads.

Sec. 35. That no justice of the peace of Wilcox county shall retain any monies received by him for fines and convic-

tions imposed upon road defaulters, as provided under this act; but shall immediately upon the payment of such fines forward same to the county treasurer, notwithstanding any amount the county may be due said justice of the peace at that time. That on receipt of such monies from a justice of the peace the treasurer shall give his receipt therefor and place the monies so received to the credit of the road fund of the county.

Sec. 36. That for the purpose of maintaining the public roads of Wilcox county, the following license taxes are hereby imposed upon the owners of the following vehicles, which are used upon the public roads of Wilcox county, or any portion of them; for each log cart having two wheels, twenty dollars (\$20.00); for each log or lumber dray, or wagon having four or more wheels, fifteen dollars (\$15.00); for each wagon requiring two or more draft animals for its operation, one and no/100 dollars (\$1.00); for each one-horse wagon, seventy-five cents (75c); for each buggy or other four wheeled vehicle, seventy-five (75c); and for each two-wheel road cart, fifty cents (50c). That the owner of each such vehicle in said county shall procure from the probate judge of said county by the first day of March of each year, except as hereinafter provided, a license for the operation of said vehicle during the year, or any portion thereof. Provided, however, that the owner of any such vehicle brought into said county after the first day of March of each year shall procure a license for same from the probate judge within fifteen (15) days after such vehicle is brought into said county. That any person who operates any such vehicle on the public roads of Wilcox county for the operation of which a license has not been procured, as herein provided, shall be guilty of a misdemeanor, and on conviction be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each such offense. That all monies received for license taxes herein provided and all fines obtained for violation of same, shall be paid to the treasurer of Wilcox county and placed by him to the credit of the road fund of said county.

Sec. 37. The only compensation which the probate judge shall receive for road services is the four hundred dollars (\$400.00) per annum allowed to him by the general road law of the State; the sheriff and the treasurer of Wilcox county and the members of the commissioners court of Wilcox county shall not receive any compensation whatever for road services. Provided that nothing in this act shall be construed to mean that the commissioners shall not receive their mileage and per diem

when in session on matters pertaining to roads and bridges of Wilcox county.

Sec. 38. That, in order to have good roads in Wilcox county, the court of county commissioners of said county each year shall levy a special road tax of one and one-half mills, or fifteen cents on each one hundred dollars, on the taxable property of Wilcox county; and shall also levy a special bridge tax of one mill, or ten cents on each one hundred dollars upon the taxable property of Wilcox county, which shall be a part of the amount authorized by the Constitution to be levied as a road and bridge tax, same to be assessed, levied and collected, and when paid to the county treasurer to be kept separate from other funds and used only for the purposes of constructing, building, repairing or improving the roads and bridges of Wilcox county.

Sec. 39. The local road law for Wilcox county which is found in Local Acts of Alabama of 1911 at pages 265 to 272, inclusive, and any other local road law for said county are hereby repealed. All general road laws of the State which are not in conflict with the provisions of this act are unaffected by same, but all general laws or parts thereof which conflict with the provisions of this act are hereby repealed. In the event any section or portion of this act shall be declared unconstitutional same shall not effect the remaining sections.

Approved September 22, 1915.

No. 608.)

(H. 1593—Lapsley.

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AN ACT

To create and establish an inferior court for Dallas county, Alabama, in lieu of all justices of the peace in precinct No. 36 in said county, with the same jurisdiction and powers as are now vested in justices of the peace in said precinct, and with concurrent civil jurisdiction with all other justices of the peace in said county, and with jurisdiction concurrent with the circuit court of said county, of all misdemeanors, except violations of the prohibition laws, violations of the laws against carrying concealed weapons and violations of the laws against carrying a pistol; and prescribing the powers and jurisdiction of said court, and the powers and duties of the officers thereof, and providing for the selection, qualification, terms of office and compensation of the officers thereof, and abolishing the office of justice of the peace and constable in said precinct No. 36, and providing for the transfer to said court from the justice of the peace courts in precinct No. 36 of causes within the jurisdiction of such inferior court when established.

*Be it enacted by the Legislature of Alabama:*

1. That there is hereby established an inferior court in precinct number thirty-six in Dallas county, Alabama, which shall be known and designated as the "Inferior Court Dallas County," and which shall be in lieu of all of the justices of the peace in said precinct; subject to the limitations herein, the said court shall have all the original jurisdiction and powers both as to civil and criminal cases as is now or hereafter may be vested by law in the circuit court of said county, and in the justices of the peace of said precinct thirty-six of said county.

2. The said court herein established shall have no jurisdiction of felonies, violations of the laws relating to the carrying of pistols and concealed weapons, and the laws relating to alcoholic liquors, except such jurisdiction as is now or hereafter may be vested in committing magistrates of this State.

3. Said court shall have no jurisdiction to try any civil cause involving the title to real estate, or in which the amount in controversy, exclusive of interest, costs and attorney's fees claimed, exceeds the sum of one hundred dollars, but subject to this limitation it shall have jurisdiction of all civil causes at law; the venue of which is in said Dallas county.

4. The said court shall have no power to summon grand or petit juries, but all causes, both civil and criminal, shall be tried by the judge of said court without a jury; provided, however, that any person convicted of a misdemeanor by said court shall have the right to appeal to the circuit court of said county in the same manner as now provided by law for appeals from judgments of conviction rendered by justices of the peace; and, provided further, that appeals to the circuit court from judgments in civil actions tried in said inferior court may be taken as now provided for appeals from judgments rendered in civil actions by justices of the peace.

5. That it shall be the duty of the circuit solicitor, himself or by deputy, to appear on behalf of the State of Alabama in all criminal cases in said court.

6. That the fees and costs that are now taxable in the circuit courts of this State shall be taxed and collected as now provided by law in each case in said inferior court, and shall by the clerk be paid into the county treasury on the first Monday of each month, except sheriff's fees and witness fees. State witnesses in said court shall be paid out of the county treasury the same per diem and mileage as State witnesses in the circuit court, upon the certificate of the clerk of said inferior court. Sheriff's fees so collected shall be paid over to the sheriff by the clerk upon demand.

7. That it shall be the duty of the board of revenue of Dallas county to provide a proper place for holding said court, and to provide for the comforts and necessary accommodations therefor, and to provide said court with all necessary books, blanks, and office supplies.

8. That said court shall be open for business at all times.

9. That the sheriff of said county shall, himself or by deputy, attend said court whenever required by the judge thereof, and all process of whatever kind or nature issuing out of said court shall be addressed to the sheriff of said county, who shall execute the same.

10. That all cases pending in the courts of justices of the peace in said precinct shall be forthwith transferred to the court herein established, and said court shall proceed with such cases in all respects as though they had been originally instituted in said court. That there shall be no justice of the peace elected or appointed in said precinct after this act becomes effective, and the office of justice of the peace and constable in said precinct are hereby abolished.

11. There shall be a judge of said court, who shall be appointed by the Governor to serve until the first Monday after the second Tuesday in January, 1917, and until his successor is elected and qualified. At the next general election, on the first Tuesday after the first Monday in November, 1916, and each four years thereafter, there shall be elected a judge of said court, whose term of office shall commence on the first Monday after the second Tuesday in January, following such election, and continue for four years, or until his successor is elected and qualified.

12. That said judge shall be deemed a county officer within the meaning of the general election laws, and such general election laws, and such general election laws shall govern the election of said judge.

13. That the judge of said court shall, at the time of his appointment or election, have been a resident of said county for at least one year, and shall be at least twenty-five years of age, and a practicing attorney, but shall be prohibited from practicing law during the term of his office as such judge.

14. That in the event of a vacancy in the office of judge the Governor may appoint a judge of said court for the unexpired time.

15. That the judge of said court shall receive a salary of eighteen hundred dollars per annum, to be paid in monthly installments by the county, upon warrant drawn by the probate judge upon the county treasury.

16. That the clerk of the circuit court in said county shall be ex-officio clerk of this court, and for such services shall receive the sum of six hundred dollars, per annum, payable in monthly installments by the county, upon warrant drawn by the probate judge upon the county treasury.

17. The court of county revenues of Dallas county is hereby authorized to pay to the county or deputy solicitor such ex-officio fees as it may deem proper, for services rendered by him in criminal cases in said court prior to the first Monday after the second Tuesday in January, 1917.

18. Any person charged with a misdemeanor, within the jurisdiction of this court, may be tried in this court upon information, as provided in article 3, chapter 198 of the Code of Alabama, 1907.

19. That all laws affecting or regulating practice and procedure in circuit courts shall be applicable to this court, except as herein otherwise provided.

20. That the judge of said court shall be liable to impeachment for the same causes and in the same manner as provided by law for impeachment of justices of the peace.

21. Executions and other process for the collection of judgments heretofore rendered in justice of the peace courts in precinct No. 36 may be issued by this court; and upon the collection in this court of any costs which may have accrued in such justice courts, the clerk of this court shall pay such costs to the justice of the peace, constable, officer or person entitled to the same, and shall take a receipt therefor which shall be entered upon the docket of said cause.

22. That it shall be the duty of the clerk of said court to issue an execution on all judgments rendered in said court after five days from the entry thereof, and to place the same in the hands of the sheriff, who shall return said execution within thirty days thereafter, together with a statement of how he has executed the same.

23. The clerk of said court shall be authorized to administer oaths, and issue all process issuing out of said court, except warrants of arrest and writs of commitment, which shall be issued by the judge of said court; and the clerk shall keep a docket of the proceedings of the court, and shall certify all appeals and certioraris, but all judgments and orders shall be signed by the judge.

24. The books to be kept by said court shall be a trial docket, subpoena docket, and a docket showing the costs and fees

taxed or collected by said court or the officers thereof and such other books and records as the judge of said court may deem necessary and proper, but said court is not required to keep or sign minutes or final records of its proceedings.

25. That in the event of the sickness, unavoidable absence, or incompetency of the judge of said court, a special judge shall be appointed during such sickness, absence, or incompetency, in the same manner as provided by law for the appointment of a special judge in the circuit courts, who shall receive as compensation the sum of five dollars per day, to be paid by the county, for each day of such service as special judge.

26. That if any clause, provision or section of this act is held invalid, it shall not affect any other clause, provision or section not in and of itself invalid.

27. That this act shall become effective on January 1st, 1916.

Approved September 23, 1915.

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No. 609.)

(H. 1348—Stephenson.

### AN ACT

To create a county highway commission for Walker county, Alabama, and to define the powers and duties thereof.

*Be it enacted by the Legislature of Alabama:*

Section 1. That a county highway commission for Walker county to consist of three members, who shall be freeholders, and residents in said county, is hereby created and established. The members of said commission shall be appointed by the Governor, who in making the appointment shall designate one member as chairman of the commission. One member of the commission shall hold office for two years, and until his successor is appointed and qualified; one member shall hold office for four years, and until his successor is appointed and qualified, and one member shall hold office for six years and until his successor is appointed and qualified. In making the first appointment the Governor shall designate the one who is to hold office for two years; one who is to hold office for four years, and the one who is to hold office for six years. Thereafter all the members of the said commission shall hold office for four years from the date of their respective appointments, and until their successors shall be appointed and qualified. All vacancies occur-



ring in said commission shall be filled by appointment of the Governor.

Sec. 2. The members of the county highway commission shall receive no compensation for their services but shall be paid all their actual expenses necessarily incurred in the prosecution of their duties. They shall be paid by the county treasurer out of the road and bridge fund of the county upon warrants issued by the chairman of the county highway commission.

Sec. 3. The county highway commission is vested with the general superintendence of the public roads with Walker county, and may establish new and change and discontinue old roads, and shall improve and maintain the public roads, bridges and ferries of said county so as to render travel over same as safe and convenient as practicable. To this end they are given legislative, judicial and executive power. They may establish, not inconsistent with this act, which are necessary to make, improve and maintain a good system of public roads, bridges and ferries in said county and regulate the use thereof.

Sec. 4. The said county highway commission is hereby given all the authority and power given to courts of county commission with reference to public roads, bridges and ferries by chapter 135 of the Code of Alabama of 1907.

Sec. 5. With the consent of the court of county commissioners the county highway commission may hire out to contractors, for work on the public roads all county convicts. Nothing herein contained shall be construed as depriving the court of commissioners of supervision of the convicts hired on the public roads, but such courts shall have and exercise such supervision as now prescribed by law, and shall prescribe the forms of contracts and bonds to be made and given for the hire of convicts on said roads.

Sec. 6. The chairman of the commission shall keep or cause to be kept, full and accurate minutes of the meetings, and of all things done at such meetings of the county highway commission, in a well bound record book, to be paid for out of the road and bridge fund, which shall be one of the public records of the county and be kept in the office of the probate judge of said county. The county highway commission shall also have prepared at the expense of the road and bridge fund a book of warrants which warrants shall have stubs to be left in the warrant book. For all expenditures on account of the road and bridge fund, the chairman of the commission shall draw warrants, which shall state the names of the person in whose favor

the warrant is drawn, the amount thereof, and the account for which it is drawn, and the stub shall contain a like statement. When presented to the county treasurer such warrant shall be paid by him out of the road and bridge fund. When not being actually used by the commission such book of warrants shall be in the custody of the probate judge. The commission shall make a sworn detailed statement, at least once every six months of all warrants drawn on the road and bridge fund, to whom and for what account paid, which statement shall be filed in the office of the probate judge and be open to public inspection.

Sec. 7. If an appeal is taken under section 5776 of the Code, then the county highway commission, upon the deposit into court for the party whose land is sought to be condemned, of the amount of damages and compensation so assessed, together with the cost of the proceeding, shall be entitled to enter upon the land so condemned, and survey and use the same, provided, however, that the easement shall not vest absolutely until the final determination of the cause, and the payment or deposit into court of such damages and compensation as shall then be adjudged.

Sec. 8. The members of the commission shall, before entering upon the duties of the office, take an oath to be administered by the probate judge, to faithfully perform the duties of their office.

Sec. 9. The said county highway commission shall be vested with all the power, authority and duties now conferred by law upon the court of county commissioners with reference to every matter relating in any way to the construction, maintenance, improvement and repair of roads, bridges and ferries, including the right to order election for the issuance of bonds, and the power and right to sell and issue any bonds that have heretofore been authorized, as required by law, but which have not been sold and issued.

Sec. 10. That all persons liable to road duty shall be required to work six days a year, provided that the labor may be commuted by paying \$4.00 on or before the first day of March of each year, or within two days after being warned to work the road.

Sec. 11. That an act entitled an act to amend an act entitled an act to better provide for establishing, working and maintaining the public roads and bridges of Walker county, Alabama, "approved March 1st, 1901," approved March 6th, 1903, shall be and is hereby repealed.

Sec. 12. That all laws in conflict with this act local, general and special, in so far as they pertain to Walker county, be, and the same are hereby repealed.

Sec. 13. That this act, for the purposes of the election herein provided for, and none other, shall become effective on its passage and approval; the other provisions thereof, shall go into effect only and when ratified by the qualified electors of Walker county, Alabama, in the election herein provided for.

Sec. 14. That upon the application of twenty per cent of the qualified voters of Walker county, Alabama, by petition in writing signed by such qualified voters, addressed to, and filed with the probate judge of said county, asking that an election be held in such county for the purpose of submitting to the qualified electors thereof, the question of whether or not, all the provisions of this act hereinafter designated as the county highway commission act, shall become effective, such probate judge shall, within five days after the presentation of such petition order an election to be held in said county within twenty days from the time of making such order to determine the question whether or not this act shall become effective.

Sec. 15. That such election shall be held throughout the county at the various voting precincts thereof on the date named in such order, and there shall be submitted to the qualified electors of said county at such election a ballot on which shall be printed two lines. The first line shall consist of the following words: For county highway commission act. And the second line shall consist of the following words: Against county highway commission act. Every qualified elector participating in such election, and desiring to vote for said county highway commission act, and to make the provisions thereof effective, shall indicate his choice by placing a cross-mark upon the first printed line upon such ballot, and in front of the words, for county highway commission act; and every qualified elector participating in such election, and desiring to vote against the provisions of this act becoming effective, shall indicate his choice by placing a cross-mark on the second line as printed upon such ballot, and in front of the words, against county highway commission act.

Sec. 16. That the qualifications of electors voting in such election shall be the same as those required for persons voting for county officers in said county, and the returns as to the question involved shall be made, and the results declared in the same manner and time as provided for ascertaining the

results of elections for county officers in said county. The officers for holding said election shall be appointed and paid as officers are appointed and paid for holding general elections.

Sec. 17. That if a majority of the votes cast at such election shall be in favor of the county highway commission act, then all the provisions of this act, shall immediately upon the declaration of the result of such election, become effective; otherwise, this act shall be of no effect.

Sec. 18. That the election herein provided for, may be held on the same day, and in connection with any election for State and county officers, or on a separate day as the probate judge of said county may order.

Approved September 22, 1915.

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No. 611.)

(H. 1588—Lee.

AN ACT

To create the office of county treasurer for Perry county, to provide for his election and the filling of vacancies, to prescribe his duties and compensation.

*Be it enacted by the Legislature of Alabama:*

1. That the office of county treasurer is hereby created for Perry county. That such officer shall be elected by the qualified voters of said county, at the general election to be held in the year 1916, and every four years thereafter, and shall hold office for four years from the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified.

2. That vacancies in the office of such treasurer shall be filled by appointment by the court of county commissioners of said county and the person appointed shall hold office for the unexpired term and until his successor is elected and qualified. Until such treasurer is elected in the year 1916 and duly qualified, the person who held the office of county treasurer for said county at the time such office was abolished shall hold the office of treasurer under the terms of this act.

3. Before entering on the duties of his office such treasurer shall give bond with at least two good and sufficient sureties, or with a duly qualified surety company, in double the value of the estimated amount of the annual revenue of the county to be determined by the court of county commissioners

payable to the county and conditioned as prescribed by law, which bond is to be approved by the judge of probate and filed and recorded in his office; and the court of county commissioners shall require an additional bond whenever any special fund is to be received by the treasurer, and pay the premium therefor.

4. It is the duty of such treasurer: a. To receive and keep the money of the county and disburse the same according to law. b. To pay out of the general fund of the county on presentation and without being allowed and audited by the court of county commissioners all grand and petit juror certificates. c. To keep in well bound books separate registers of claims presented against the general fund and the special fund if any. d. To number and register in the order in which they are presented all claims against the general fund which have been audited and allowed by the court of county commissioners as claims against said fund such register showing the number of the claim, the date presented for registration, to whom allowed, when allowed, the character of the claim and the amount thereof; and except as otherwise provided by law to pay the same in the order of their registration. He must in like manner number, register and pay all claims allowed against a fund raised for a special purpose. e. Upon the registration of a claim he must endorse thereon the number and date of registration and sign his name thereto. f. When a claim is received in payment of a debt due the county he must give a receipt therefor showing a description of the claim and the name of the person and character of the debt on whose account the claim was received. g. On the payment of any claim he must take a receipt therefor; and when a claim of any character is paid or received by him he must cancel the same by defacing or mutilating it so as to show that it is of no further value and if registered write upon the register against the claim the word "paid" and the date of such payment. h. To keep a correct account of the receipts and disbursements of all money received by him for the county, according to the forms prescribed, by the court of county commissioners, charging himself with all moneys so received, of whom, on what account, and the amount and crediting himself with all payments, stating the number and character of the claim, in whose favor and the amount. i. To examine the dockets of the circuit and city courts or court of like jurisdiction and the sheriff, semi-annually; to demand and receive all moneys due the county and to institute proceedings against default-

ters. j. To submit to the court of county commissioners at the first term in each year the register of claims; his accounts for the year balanced; vouchers for the payment; and estimate of the indebtedness of the county for the coming year and the means of providing for the same. k. To make reports and give information to the court of county commissioners when required respecting all matters relating to the finances of the county. l. To keep safely all property of the county which may be committed to his care by the court of county commissioners. m. To furnish the probate judge in January of every year a verified statement of all moneys received by him for the county during the preceding year and of all claims received by him in lieu of money which are receivable in payment of county taxes, which statement must designate the time and person from whom such moneys or claims were received. n. To keep his office at the court house of said county. o. To perform such other duties as are or may be required by any law general or special of the treasurer of said county or of the custodian of county funds by whatsoever name designated.

5. The county treasurer must not refuse the payment of any lawful and valid claim for the reason that the claims of prior registration have not been paid if there is money in the treasury belonging to the fund sufficient to pay such prior claims and the claim so presented.

6. The books of such treasurer are to be provided at the expense of the county.

7. The annual account of such treasurer when examined and approved by the court of county commissioners must be recorded and a copy of the same posted at the court house door.

8. The judge of probate must each year without giving any notice or information thereof to the county treasurer appoint one expert accountant of known integrity to examine the books and vouchers of such treasurer and report the condition of the same; and the person so appointed shall proceed without delay to make such examination and report and to that end he is invested with all the powers and authority conferred by law upon the examiner of public accounts. He shall receive such compensation as may be allowed by the court of county commissioners.

9. In case of the resignation, expiration of his term or removal from office, the county treasurer or if he is dead, his personal representative, must state his account and deliver all the money, books, papers and property of the county to his succes-

sor who must report the same to the term of the court of county commissioners held next thereafter and if satisfied that such account is correct and that all money, books, papers and property of the county have been delivered to such successor such court must cause an entry thereof to be made of record.

10. The county treasurer shall receive such compensation as may be allowed by the court of county commissioners in no case exceeding two and one-half per cent on the money received and two and one-half per cent of the money paid out by him. His compensation in no case shall exceed the aggregate sum of one thousand dollars in any one year.

11. That all laws and parts of laws in conflict with the provisions of this act be and the same hereby are repealed.

Approved September 22, 1915.

No. 614.)

(H. 1507—Moore.

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AN ACT

To provide for the more efficient working, construction and repair of the public roads and bridges in Fayette county, Alabama; to provide for a county engineer, fix his compensation and define his duties; to provide for the appointment of road overseers in the several precincts in the county, and to fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to provide for the levy of a special tax of one-fourth of one per centum for public roads and bridges; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect, and to prevent obstruction and damage to the public roads and bridges of said county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Fayette county shall on or before the first day of January, 1916, after the approval of this act, elect a county engineer who shall be the superintendent of public roads of said county; he shall be provided with a properly furnished office in the county court house or elsewhere in the county seat, and shall hold his office subject to the pleasure of the court of county commissioners. The said county engineer shall have charge of the location, construction, improvement and maintenance of the public roads and bridges of the county, subject to the general direction of the court of county commissioners; he shall be the custodian of the records of the county concerning roads and bridges, except as herein provided; he shall select all of his subordinate em-

ployees, subject to approval of the county commissioners; he shall prepare and approve all plans and specifications; and none of his plans and specifications, orders or directions shall be countermanded or changed, except by specific resolution of the court of county commissioners duly entered on the minutes showing reasons in full for countermanding the plans, specifications, orders or directions. The county engineer shall devote his entire time to the duties of his office designated herein and such other duties as shall be assigned to him by the court of county commissioners. The salary of the county engineer shall be fixed by the court of county commissioners, provided that the salary shall not be more than one thousand five hundred (\$1,500.00) dollars per annum payable monthly. Said engineer before taking office shall furnish bond with some reliable surety company payable to Fayette county, Alabama, in the sum of three thousand dollars conditioned for the faithful performance of the duties of the said office.

Sec. 2. That no person shall be eligible to hold the office of county engineer unless he is a competent civil engineer and experienced in the construction and maintenance of public roads.

Sec. 3. That before any work is done in the construction or improvement of any road or bridge, except necessary maintenance work, the engineer shall make such surveys as may be necessary, shall prepare definite plans, specifications and an estimate of the cost of the work and shall submit said plans, specifications and estimate of cost for the approval of the court of county commissioners with a recommendation as to the best method of doing the work. The court of county commissioners shall pass upon said plans, specifications and estimates and when said plans and specifications are approved, the county engineer shall be authorized to proceed with the work by contract or by force account as court of county commissioners shall direct. If the court of county commissioners determine to do such work by contract, the county engineer shall advertise not less than ten days for bids in a newspaper published in the county, in a daily paper of general circulation in the State of Alabama, and by posting a copy of the advertisement at the court house. The said advertisement shall state the general character of the work to be done, the amount of certified check required, and the time and place at which bids will be opened. The court of county commissioners shall require all bids to be sealed and to be accompanied by a certified check which will bind the bidder to enter into a contract, in the event of his being awarded the work. If reasonable bids are received for doing



the work, the contract shall be awarded to the lowest responsible bidder, provided that the court of county commissioners may reject all bids or they may reject the bid of any contractor who is inexperienced or incompetent or who is known to have a bad record in the performance of public works. In precincts or districts where the roads are let by contract, the contractor shall warn and work the hands in the said district who are subject to road duty and who have not paid their commutation fee after the first day of March, each year, and such road hands shall be required to work under the contractor as other hands are required to work under the overseers, as heretofore provided for in this act, and such contractors shall pay into the county treasury as compensation for the work of such hands appointed to them such sums as agreed upon by the contractor and the county commissioners of said county.

Sec. 4. That the court of county commissioners may enter into a contract with the contractor for the construction, repair or maintenance of any road or bridge after plans, specifications and an estimate of the cost have been prepared as provided for in the preceding provisions of this act.

Sec. 5. That any contractor employed to construct or maintain any road or bridge, shall before entering upon the execution of such work, execute a bond payable to the county of Fayette for twice the amount of the contract price; said bond to be made by a surety company approved by the court of county commissioners and conditioned upon the faithful performance of the contract, and discharge of his duties thereunder, provided that twenty per centum of the contract price be held back until the work is completed and accepted.

Sec. 6. That if the county, any municipality, corporation or person is injured or damaged by the failure of such contractor to faithfully perform his contract and discharge his duties thereunder, an action may be maintained, under such bond, to recover such damages as they may have suffered.

Sec. 7. That the county engineer shall require all bills, including estimates allowed contractors and allowances for salaries and expenses, be made in duplicate. He shall certify as to the correctness of each bill, and shall file the duplicate of each bill in his office and will issue a warrant on the county treasurer for the amount of each bill certified by him, the bill and warrant to bear the same serial number. Before a warrant issued by county engineer shall be payable it shall have been previously authorized and approved by the court of county commissioners and shall be presented, with its corresponding orig-

inal bill, to the chairman of the court of county commissioners, who shall countersign said warrant and file the original bill in his office. This file and that in the county engineer's office shall be preserved as public records and they shall be delivered by the county engineer and the chairman of the court of county commissioners to their respective successors in office. The warrants issued by the county engineer in accordance with the provisions of this act, when countersigned by the chairman of the court of county commissioners, shall be paid by the county treasurer and charged to the county roads and bridge fund, subject to the provisions and limitations of section 28 of this act.

Sec. 8. That the county engineer shall prepare a map of the county showing the location of all public roads and indicating the character of improvements which have been made on each road. This map shall be revised and brought up-to-date annually. A tracing of such map shall be made and deposited for safe keeping in the vault of the probate office.

Sec. 9. That when a new road is to be constructed or the location of an existing road to be changed, the court of county commissioners shall pass a resolution directing the county engineer to make a preliminary survey of said road, describing the terminal points of said survey and appointing a time at which the court of county commissioners shall meet to hear objections to the location of said road. As soon as practical after the passage of said resolution, the county engineer shall stake out said road and prepare a map and profile of the same. The map shall show all buildings and fences within two hundred feet of said road, and any other improvements which may effect the amount of damages which may be caused to property by the construction of said road. It shall also be the duty of the engineer to publish a notice to the effect that he has made surveys for said road; that the map and profile are on file in his office and subject to public inspection, and giving the time when the court of county commissioners will meet to hear objections to the location of said road. Such notice shall be given by publication in a newspaper of general circulation in the county, by posting a copy at the court house, and by posting a copy at each terminal point of the survey. The court of county commissioners shall meet at the court house at the time named in the said notice and after hearing objections to the location of said road, the said commissioners may confirm said location, order it amended or abandoned; and said action shall be shown on its minutes.

Sec. 10. That the court of county commissioners may secure the right of way for roads by donations, purchase or by condemnation as provided by the laws of Alabama, and may secure or accept by donation, lease or purchase, or may proceed by condemnation in the name of Fayette county under the laws of condemnation proceeding in the State of Alabama all necessary gravel beds, sand, clay or chert or other materials for road purposes.

Sec. 11. That the court of county commissioners shall have the right, authority, and power to condemn land for road purposes under the provisions of article 1, chapter 79, of the Code of Alabama, 1907, notwithstanding the fact that there may be other modes of proceeding by law for the condemnation of land for the establishment or change of roads; and such proceedings shall be conducted in the name of the county as petitioner, and the county shall provide for the payment of all charges in connection with the condemnation of said land.

Sec. 12. That the court of county commissioners shall have authority to purchase such materials, supplies, teams and other equipment as may be necessary for properly carrying on the work of construction and maintenance of the public roads and bridges of the county as hereinafter provided. The county engineer shall prepare requisitions for such materials and supplies as will be needed for roads and bridges and shall obtain quotations from at least two dealers on each class of articles required, and shall submit said requisition to the court of county commissioners. When such requisition is approved by the court of county commissioners, the county engineer shall be authorized to purchase such approved articles at prices not exceeding those specified in the requisition. The county engineer with the approval of the court of county commissioners shall be authorized to employ such overseers, laborers, and teams and to rent such equipment as may be necessary for properly carrying on the work of construction and maintenance of the public roads and bridges of the county. The county engineer shall employ a sufficient number of persons to systematically drag the public dirt roads of the county as directed by the county engineer and the court of county commissioners, shall fix a price for dragging so as to allow reasonable wages for the men and teams performing such service.

Sec. 13. That for the purpose of maintaining the public roads the court of county commissioners shall from time to time divide the county into a convenient number of road precincts or districts and require the county engineer to appoint

one or more overseers for each precinct or district not let by contract. The term of office for the said overseers shall be one year, but he may be discharged for neglect of duty or inefficiency. When a vacancy occurs in the office of overseers, the county engineer shall appoint some person to fill the unexpired term.

Sec. 14. That it shall be the duty of each overseer during the month of January in each year to take a census of the persons within the area assigned to him who are subject to road duty, giving the age and color of each such person, the farm or plantation on which he resides and the name of the road nearest to which he resides, and turn a list of such persons into the county engineer. Each overseer shall keep an accurate statement of the names of all persons who pay commutation fee in lieu of working the road and report the same to the county engineer. He shall report to the engineer at such times as required all commutation fees collected and shall account for all unused or mutilated receipts and the stubs of receipts issued; he shall report to the engineer by itemized account and correct dates all money expended and for what purpose, and the name, date, and number of hours worked per day of all road hands on the public roads; he shall report to the engineer at such times as he may be directed, the condition of the roads in his precinct and name of all defaulters. Before entering upon his duties, each overseer shall subscribe to the statutory oath to faithfully perform his duties, which oath may be administered by the county engineer. Each overseer shall execute bond with sufficient surety in the sum of not less than double the probable amount to be collected by such foreman or overseer payable to Fayette county, Alabama, conditional for the faithful discharge of his duty and to promptly account for all money coming into his hands belonging to the road fund and for tools or other property coming into his possession belonging to the county.

Sec. 15. That each male person who is over the age of eighteen and under the age of forty-five years, not exempt by law, shall be subject to road duty in said county and shall be compelled to work on the public roads for ten days in each year and nine hours actual work each day, provided any person subject to road duty may be relieved from working on the roads by paying a fee of five dollars to the overseer of his precinct or the probate judge of the county on or before March the first of each year, which shall constitute a part of the road fund for said county, and failing so to do, he shall be compelled to work on the public roads of said county, and provided further, that all

persons subject to road duty moving into said county after March the first in any year, shall be liable to road duty for the remainder of the year at the rate of ten days' work for twelve months, and shall have the option of commuting said work by paying to the road overseer or other person designated by the commissioners court for his district in discharge of such liability at the rate of five dollars for ten days' work. The road year shall be the same as the calendar year. Road foremen or overseers liable to road duty shall not be exempt from road duty, except by payment of the commutation fee.

Sec. 16. The probate judge of the county shall have authority to collect and receipt for commutation fees from hands in any precinct in the county and shall keep an accurate account of all money collected in the various precincts in said county, and a list by precincts of the names, amount and date of those who have paid a commutation fee, and his books shall, during office hours, be subject to public inspection, and shall be examined and audited by each grand jury of said county. The probate judge shall furnish the county engineer with a list of persons who pay the commutation tax to him in lieu of personal service, and he shall turn into the county treasurer, to the credit of the precinct wherein the tax payer resides, all such taxes so collected by him.

Sec. 17. That it shall be the duty of all persons and of the manager or foreman of all firms or corporations having three men or more working under them subject to road duty to furnish a list of the same and the residence of each to the foreman of their precinct, and failing or refusing so to do within ten days after notice in writing shall be guilty of a misdemeanor, and on conviction fined not less than five dollars nor more than one hundred dollars.

Sec. 18. That the county engineer will enter the names of all persons who are subject to road duty in a suitable ledger which shall have appropriate columns for credits of money or labor.

Sec. 19. That the county engineer shall appoint such hands as do not pay the per capita tax to the roads nearest their places of residence, provided that no person shall be required to work on public road, the nearest portion of which road is located more than six miles from his residence. He shall employ a sufficient number of overseers, at a rate not to exceed two dollars per diem. The county engineer shall go with each overseer over the road apportioned to him and point out the work to

be done and will furnish him with a list of road hands who will work under his direction.

Sec. 20. That all male inhabitants of the county between the ages of twenty-one and sixty-five years are subject to road duty under this act as overseers.

Sec. 21. That each precinct foreman or overseer shall report the condition of the roads and bridges in his precinct to each grand jury of said county, and submit his books and accounts for inspection.

Sec. 22. That the engineer shall submit to the grand jury at each term for inspection all his books, accounts and vouchers together with a general report of the condition of the roads in the county, the work he has performed, and the funds expended and for what purposes.

Sec. 23. The mode of warning of hands is for the overseer or some other person appointed by him, to give two days notice in person or in writing, to be left at the residence, to all persons liable to work, to meet at such time and place as the overseer of the road may appoint, and with such implements, tools or property liable to road duty as he may direct.

Sec. 24. If any person warned, fails to attend, or send a substitute with the proper tools, agreeable to the notice, or fails faithfully to perform his duty, such person must pay for each days' default not less than one nor more than three dollars, which fine, when collected, shall be paid over to the county treasurer as a part of the road fund, to be recovered before any justice of the election precinct in which such road is, in the name of Fayette county.

Sec. 25. Any person liable to road duty, who fails or refuses, after legal notice to work the public roads, either in person or by substitute, without a sufficient excuse therefor, must on conviction, be fined not less than one dollar nor more than three dollars for each day for which he is so in default, and may also be imprisoned in the county jail, or put to hard labor for the county for not more than twenty days.

Sec. 26. Persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire and not for their own use or for improvement of their farms, and persons regularly engaged in the business of hauling over the roads of the county, shall pay a license of not more than two and one-half dollars per month for each two horse wagon, and five dollars per month for each four horse or large wagon or traction engine, or road engine, or heavy vehicle used for like purposes, the amount to be fixed by the commissioners court. It is not

intended hereby to require a license for private hauling connected with or usual to the ordinary operation of a farm or any one hauling cord or stove wood, whether for sale or not. It shall be unlawful to do any hauling herein forbidden without first producing such license. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than fifty dollars, to be paid in lawful money which fine, when collected, shall be paid over to the county treasurer as a part of the road fund. It shall be the duty of the county engineer and the overseers of the county to report all violations of the provisions of this section, which may come under their observation, to the grand jury of said county.

Sec. 27. That all money received by the county from license taxes on automobiles shall be paid into the county road and bridge fund and used only for the construction and maintenance of public roads and bridges.

Sec. 28. That the court of county commissioners of Fayette county, shall at the time of making the annual levy of taxes for general and county purposes levy special tax for roads and bridges on all the taxable property of the county of one fourth of one per centum on the assessed value of such taxable property, which shall be collected as other taxes, and when paid into the treasury of said county, shall be kept separate and apart from other funds and used only for the maintenance or building of the public roads and bridges of said county. Provided, however, that if the general fund of the county is insufficient to pay the county engineer, overseers, laborers and teams, they may be paid out of the one-fourth of one per centum tax above provided for when so ordered by the court of county commissioners of said county.

Sec. 29. That the county engineer provided for in this act, or overseer or other office on whom any duty is imposed as to public roads, who neglects to perform the same, in case no other provisions have been made for the punishment of such neglect, is guilty of a misdemeanor, and upon conviction, must be fined not less than ten nor more than fifty dollars, and also be imprisoned in the county jail, or put to hard labor for the county, for not more than twenty days.

Sec. 30. That the county commissioners shall appropriate from the general fund of said county such sums as may be spared for the special road fund for use as herein provided, and may borrow money for such purpose, interest not to exceed eight per centum per annum.

Sec. 31. That when the citizens of any community shall raise by donation or otherwise, money or labor to be expended for construction or improving any particular roads, it shall be the duty of the county commissioners to render such assistance as they may be able, in money or with county machinery, as they may deem best, having regard for the importance of the work and the funds in hand for that purpose.

Sec. 32. That the funds annually expended under the provisions of this act in each precinct for road and bridge improvement shall be equal to the commutation fees in said precinct, and shall be in proportion as near as possible to the funds raised by taxes and commutation fees therein for road purposes.

Sec. 33. That the convicts of the county may be worked upon the public roads or bridges of the county or they may be worked under the direction of the court of county commissioners in quarries, gravel pits or any plant owned by the county and used for the production of road materials, although said quarry, pit or plant may be located in another county or said convicts may be hired to another county or hired and worked as now or hereafter provided by the laws of Alabama.

Sec. 34. That the county commissioners shall be authorized to make such rules and regulations as to road improvement, not inconsistent with this act, as may be necessary to comply with any law of the State extending State aid.

Sec. 35. That the provisions of this act shall become effective on January 1st, 1916.

Sec. 36. That none of the provisions of the general laws of Alabama regarding public roads are repealed by the provisions of this act, except in so far as they conflict with the terms of this act. All laws and parts of laws, local and general, that conflict with the terms of this act are hereby repealed.

Approved Sept. 22, 1915.

No. 615.)

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AN ACT

(H. 1638—Willingham.

To authorize the court of county commissioners of Sumter county to pay out of the general fund of the county, for publishing notice as provided by section 106 of the Constitution, of the proposed introduction in the Legislature of any local law, whenever the proposed law is for the common good of the county.

*Be it enacted by the Legislature of Alabama:*



Section 1. That from and after the passage of this act the court of county commissioners of Sumter county are hereby authorized to pay out of the general fund of the county, at the regular legal rate therefor, for publishing all notices of the proposed introduction in the Legislature of Alabama of any local law for said Sumter county, as provided by section 106 of the Constitution of Alabama, whenever the said proposed law is for the common good of the county.

Sec. 2. All bills for publishing notices under this act must be itemized, verified and filed with the court of county commissioners as now provided by law for other bills; and the said court of county commissioners shall be the sole and exclusive judges of whether the proposed law is for the common good of the county.

Approved Sept. 22, 1915.

No. 616.)

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AN ACT

(H. 1637—Willingham.

Entitled an act to repeal an act to require persons whose claims against Sumter county have been allowed by the commissioners court thereof against the general fund of said county, to draw their warrants therefor in six months, approved February 19th, 1883.

*Be it enacted by the Legislature of Alabama:*

Section 1. That an act entitled an act to require persons whose claims against Sumter county have been allowed by the commissioners court thereof, against the general fund of the county, to draw their warrants within six months, approved February 19th, 1883, be and the same is hereby repealed.

Approved Sept. 22, 1915.

No. 617.)

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AN ACT

(H. 1652—Espy.

To require all police officers of the town of Headland, Henry county, Alabama, to execute bond, to be approved by the mayor of said town of Headland, in the sum of one thousand dollars, conditioned upon the faithful discharge of their duty, and to provide that said bond shall provide for damages resulting from unauthorized, or unlawful arrests, and to provide for a penalty for the violation of the provisions of this act.

*Be it enacted by the Legislature of Alabama:*

Section 1. That any person who is elected, or appointed to the position of policeman, or marshal, either chief or assistant,

in the town of Headland, shall, before entering upon the discharge of any of the duties connected with said office, shall first execute bond, payable to the town of Headland, and to be approved by the mayor, in the sum of one thousand dollars, conditioned upon the faithful discharge of his duty as such officer.

Sec. 2. Be it further enacted, That it shall be unlawful for any marshal, or policeman of the town of Headland to arrest any person for any offense, unless such officer sees the commission of said crime, or has in his possession a warrant duly issued by the mayor, or other authorized court, and any such officer violating the terms of this section shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars, nor more than fifty dollars, and the mayor's court of Headland shall have jurisdiction over said case concurrent with the jurisdiction of the State courts. One-half of said fine going to the party unlawfully arrested, and half of said fine going to the town of Headland, if the case is tried in the mayor's court, or to the State of Alabama if the case is tried in the State courts.

Sec. 3. All laws, or parts of laws, either special, general or local, in conflict with the provisions of this act are hereby repealed.

Section 4. This act shall go into effect immediately upon its approval by the Governor.

Approved Sept. 22, 1915.

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No. 618.)

(H. 1635—Rogers of Sumter.

### AN ACT

To authorize the commissioners court of Sumter county to issue a duplicate warrant on the county treasurer of said county, when an original warrant is lost or misplaced and cannot be found.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the commissioners court of Sumter county is hereby authorized to issue a duplicate warrant on the county treasurer of said county, when an original warrant is lost or misplaced and cannot be found.

Sec. 2. Before issuing such duplicate warrant the party owning such lost or misplaced warrant, shall make and file with the commissioners court an affidavit setting forth that said

warrant has been lost or misplaced; the amount and date of same; that he is the rightful owner thereof, and must also enter into bond, with sufficient sureties, payable to and to be approved by the judge of probate of Sumter county, and in double the amount of said lost warrant, conditioned to hold the said county harmless from any loss or damage caused by the issuance of said duplicate warrant.

Sec. 3. Upon the issuance of such duplicate warrant it shall be the duty of the presiding officer of said commissioners court to immediately notify the treasurer of said county of the issuance of such duplicate warrant, and payment of the original lost or misplaced warrant shall then be stopped.

Approved Sept. 22, 1915.

No. 620.)

(H. 1636—Willingham.

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AN ACT

For better construction, repairing, working and maintaining of the public roads and bridges in Sumter county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of Sumter county, be and they are hereby authorized to appoint one or more competent resident citizens of said county as enumerators of road hands for said county, or for a specified number of precincts thereof, as shall be determined by the said court, each of whom shall make oath in writing, that he will faithfully discharge the duties of such office, and which oath shall be filed in the office of the judge of probate of said county and there preserved for public examination.

Sec. 2. Be it further enacted, That the enumerator or enumerators, herein provided for shall immediately after January 1st of each year, make a thorough and complete house to house canvass of said county, or of such specified precincts thereof, for which he shall have been so appointed enumerator, listing the names and ages of all male residents thereof, over 18 and under 55 years of age, entering the same in a book to be kept for that purpose, and opposite to each name so enrolled the name or location of the house in, or farm on, which he resides, and the name of the public road nearest his dwelling place. The names so enrolled in said enrollment book shall be written in a plain, legible hand with ink, and upon completion of such book it shall be forthwith filed in the office of the judge of probate of said county.

Sec. 3. Be it further enacted, That the enumerators herein provided for shall receive such compensation as may be fixed by the said commissioners court, to be paid by the said commissioners as other bills against the road fund are paid, except that warrants for such services shall be a preferred claim against said road fund.

Sec. 4. Be it further enacted, That all male inhabitants of said county over the age of 18 and under the age of 55 years of age except those exempt by general law shall be required to work on the public roads of said county for ten days, of ten hours each, in each calendar year, provided that the court of county commissioners may accept a money compensation for those liable to road duty in lieu of the ten days labor, which shall be paid to the agent of said commissioners court as follows: If payment is made to said agent on or before the 1st day of March of each year in the sum of \$5.00; on or before the 1st day of April \$5.50; on or before the 1st day of May, \$6.00; on or before the 1st day of June, \$6.50; on or before the 1st day of July \$7.00; or after that date \$7.50. Said money when so collected shall be paid into the road fund of the county.

Sec. 5. Be it further enacted, That the court of county commissioners shall if it so determine, employ the misdemeanants sentenced to hard labor in the county for work on the public roads thereof, or let them be hired under any road contract or in the county under such rules and regulations as it may adopt as to feeding, clothing, housing and medical attention and guarding; but no female convict shall be worked upon the public road, but may be hired out to contractors for service for cooking, washing, sewing and such like employment, in camps, stockades or prisons, under the direction of the commissioners court. But nothing in this act contained shall prevent the commissioners court from hiring out any and all convicts sentenced to hard labor in the county as now provided by general law. The court of county commissioners shall also be authorized and empowered to hire convicts from the State or any other county or from any incorporated town in Sumter county, if they see proper to do so. In the event the convicts of said county are hired out as now provided by law, the proceeds of the hire of said convicts shall be paid into the road fund of said county.

Sec. 6. Be it further enacted, That the court of county commissioners shall have full power and authority to make and establish such rules and regulations, not in conflict with this act, as it may deem, necessary for the proper establishing, work-

ing, maintaining and repairing of the public roads, bridges and culverts of said county, and for requiring all persons charged with any duty, power or liability under this act a rigid performance thereof.

Sec. 7. Be it further enacted, That said commissioners court is hereby authorized to employ a purchasing agent for matters relating to roads, bridges, and culverts if they see proper, and shall fix his compensation and duties, and may combine his duties with that of engineer, or agent to collect road taxes, if they see proper so to do.

Sec. 8. Be it further enacted, That it shall be the duty of every person, firm or corporation employing hands to furnish the court of county commissioners upon their application, a list of the male hands in their employ, and failing so to do, for a period of twenty days after demand made, shall be guilty of a misdemeanor and on conviction shall be fined not more than fifty dollars.

Approved September 22, 1915.

No. 621.)

(H. 1622—Carmichael.

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AN ACT

To make the clerk of the circuit court of Colbert county, ex-officio clerk of the county court.

*Be it enacted by the Legislature of Alabama:*

Section 1. That from and after the passage of this act, and approval thereof, the clerk of the circuit court of Colbert county, Alabama, be, and he is hereby made, ex-officio clerk of the county court of said county, and shall receive the same fees in all cases while acting as such clerk of the county court, as are received by the clerks of the circuit courts of this State.

Approved September 22, 1915.

No. 625.)

(H. 1605—McDonald.

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AN ACT

To authorize and empower the board of revenue of Barbour county to appoint a clerk of said board, to prescribe his duties and fix his salary and repeal all conflicting laws.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the board of revenue of Barbour county shall elect a clerk of said board, fix his term of office, and fix his

salary, provided, that in no case shall he receive more than \$400.00 per annum and shall receive no other compensation; and the said board of revenue shall have the right to discharge said clerk at any time with or without cause.

Sec. 2. That said clerk shall meet with said board at all of its general or special meetings or sessions, he shall receive and prepare business and obtain information for the sessions of said board, and see to the execution of all orders thereof, to report to the board all infractions of the revenue law in said county of which he can obtain authentic information; under the direction of said board to keep the minutes and records of the proceedings of said board in well bound volumes provided for the purpose, which shall always be open to the inspection of the citizens of said county, and generally to do and perform such duties and matters as may be required of him by said board.

Sec. 3. That the clerk of said board must keep road books containing a complete list of all public roads in Barbour county, their names, grades and road precincts, so that an easy reference may at all times be had.

Sec. 4. That said clerk shall issue commissions to all road apportioners appointed by the board as now or hereafter prescribed by law, and the copy of the order appointing said apportioners must be accompanied with a statement, which said statement shall be signed by said clerk of the board of revenue, and shall show the road overseers on any road precinct, within their election precincts, a description of such road precinct, with the names and grades of the roads assigned to such overseer.

Sec. 5. That said clerk shall obtain from the probate judge of Barbour county or from the apportioners a list of the overseers appointed by the apportioners, appointed as prescribed by law, and it shall be his duty to issue commissions to said overseers. The copy of the order appointing an overseer must contain a description of his precinct and grade of the road, and be accompanied by a statement of the names of the apportioners of the election precinct, or precincts through which any part of the road assigned to him passes.

Sec. 6. In establishing new roads as now provided by law, the clerk of said board shall issue an order directed to such overseers appointed on such new roads, directing the opening of the road through their precinct, which must be served and returned as hereinafter provided for the service and return of copies of appointment of overseers.

Sec. 7. That said clerk must within thirty days after appointment of apportioners and overseers, deliver a copy of said statements and orders as herein provided to the apportioners and overseers either himself or by deputy, if practicable, and if not leave the same at their residence, and return the original, with his endorsement of service to said board.

Sec. 8. The clerk of said board with the concurrence of the board of revenue of Barbour county, may pass upon the sufficiency of any excuse or resignation of any person for not accepting the appointment of overseer or apportioner, or any person who may resign his commission as overseer or apportioner of any road in Barbour county.

Sec. 9. All duties now or hereafter required of the probate judge and sheriff of Barbour county, by law in relation to the roads of Barbour county, is hereby imposed upon and made the duty of the clerk of said board, and said probate judge and sheriff of Barbour county are hereby relieved of all such duties in relation to said roads.

Sec. 10. The probate judge and sheriff of Barbour county being hereby relieved of all duties in relation to public roads, all special or general laws allowing said probate judge and said sheriff any compensation for performing such duties are hereby specially repealed.

Sec. 11. It shall be the duty of the clerk of the board of revenue of said county to keep a well bound book "County Cash Book," or register in which shall be kept an account with every bank in which county funds are deposited showing the correct dates, amounts, from what source derived and the name of the person or officer by whom it was deposited.

Sec. 12. It shall be the duty of every person or officer depositing money into the county treasury duplicate deposit slips, properly signed by said treasurer, showing the date, amount and by whom deposited. One of said deposit slip shall be forthwith mailed or delivered to the clerk of said board of revenue, the other to be retained by said person or officer.

Sec. 13. Whenever any warrant is properly drawn on a bank acting as county treasurer (except grand and petit juror certificates and other certificates not required by law to be audited and allowed by said board of revenue of Barbour county and are legal charges against said county) it must be before delivery entered in the account of county treasurer, in the county cash book or register, and the accounts must show at the close of business every secular day the amount to the credit of the county (except as to grand and petit juror certificates and other cer-

tificates not required by law to be audited and allowed by said board of revenue).

Sec. 14. All officers authorized by law to issue certificates or warrants against Barbour county which are legal claims against said county, and are not required by law to be audited and allowed by the board of revenue of Barbour county before payment, including grand and petit juror certificates and all others shall render an itemized statement to said clerk of the board of revenue of Barbour county within fifteen days after issuing said certificate, which said statement shall show the amount, date and for what and to whom each of said certificates respectively, which said statement shall be forthwith entered into said county cash book or register by said clerk as other warrants.

Sec. 15. That this act shall not take effect until the expiration of the term of office of the present county treasurer of Barbour county, Alabama.

Sec. 16. That if any section or provision of this act shall be declared to be void or unconstitutional, it shall not effect or destroy the validity or constitutionality of any other section or provision which is not in and of itself void or unconstitutional.

Sec. 17. That all laws, and parts of laws, local or general in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 22, 1915.

No. 630.)

(S. 766—Elrod.

### AN ACT

To provide for a better system of public roads for the county of DeKalb in this State.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners of DeKalb county at its February term in nineteen hundred and sixteen, or as soon thereafter as practicable, appoint one overseer for every three miles or as near that as practicable of public roads in each election precinct. All overseers shall serve two years from their appointment, unless appointd to fill an unexpired term.

Sec. 2. Be it further enacted, That the general laws with reference to the mode of warning hands to work the road, the length of notice to be given, and the kinds of implements to be brought by hands shall apply in all cases in DeKalb county.



And also the general laws as to defaulters in road working and the punishment and the prosecution of the same shall apply in DeKalb county.

Sec. 3. Be it further enacted, That any overseer in DeKalb county may have power to discharge any hand who refuses to do good work, or who hinders another from work, and any such hand may be proceeded against as though he refused to obey the notice to work on the road, for which he was warned.

Sec. 4. Be it further enacted, That the overseer shall carefully preserve all tools and implements entrusted to him as overseer, and turn them over to his successor and take his receipt for the same.

Sec. 5. Be it further enacted, That all overseers, both section and beat, may receive for his services one dollar per day for time actually worked, and nine hours work shall count one day. Overseers shall be subject to road duty after their term of office.

Sec. 6. Be it further enacted, That the court of county commissioners may remove at any time any overseer who neglects to do his duty or who, in the opinion of the court, is incompetent. It shall be the duty of the court to fill any vacancy in overseers at any time when one may occur. Any overseer who may be discharged shall at once become subject to road duty.

Sec. 7. That overseers shall report to the court of county commissioners at its June term, an account of all time worked by him with the amount of money collected by him and turn over to the court all moneys in his possession, which money shall be turned into the county treasury for use on the public roads, in the election precinct from which it was collected.

Sec. 8. Be it further enacted, That all male citizens between the age of eighteen and forty-five years of age in this county shall work six days or pay one dollar per day for each day not worked. That any person exempt from road duty under the general laws of this State is also exempt by this act. All moneys paid instead of work may be paid to the overseer in charge, provided any hand may pay to the overseer in charge at any time between the first day of January and the first day of March five dollars, and be relieved of further road duty for that year.

Sec. 9. Be it further enacted, That at its February term in each year after this act takes effect, the commissioners court shall apportion to each section overseer, the number of hands that he is to work, and furnish him with a list of their names within ten days from the time of such apportionment.

Sec. 10. Be it further enacted, That the overseer shall have supervision at all times and shall be held responsible for the upkeep of his section of road. And may call out hands at any time to mend bad or dangerous places; but the main time of working the roads shall be in March, July, and August, but not more than two days shall be required of any one hand in March. And no overseer shall double up so as to work more than ten hands at any one time, nor less than five, if possible.

Sec. 11. Be it further enacted, That any overseer may accept in place of a hand a horse or mule or team. One hand for one horse or mule and two hands for a double team which team shall consist of a wagon, or plow as the overseer may direct.

Sec. 12. Be it further enacted, That the court of county commissioners may refuse to pay any overseer who refuses or neglects to work his road as directed by the commissioners in whose district he is working.

Sec. 13. Be it further enacted, That the court of county commissioners shall each year levy a special tax of three-twentieth of one per cent on all property in DeKalb county to be assessed and collected as other taxes are, and paid into the county treasury and kept as a separate road fund.

Sec. 14. Be it further enacted, That the commissioners court at its June term in each year ascertain what amount of money will be received during the year for road purposes, and after making an estimate of what it will take to pay for tools and pay the overseers apportion the remainder as equally as can be done to the different election precincts in the county having in consideration the grade of roads and the difficulty of keeping them in repair.

Sec. 15. Be it further enacted, That the court of county commissioners at its June term in each year shall after consulting the section overseers, as to who of them is the most efficient overseer appoint one for each beat in the county from among them who shall be known as a beat overseer, who shall serve two years from his appointment. The beat overseer shall have access to tools when not in use by other overseers. It shall be the duty of the beat overseer to hire hands at not more than one dollar per day, nine hours work to count one day. And he may hire teams at not more than two dollars and fifty cents per day for double teams. And shall work on the roads as directed by the commissioner in whose district he is working.

Sec. 16. Be it further enacted, That it shall be the duty of each county commissioner to go over the roads in his district before appointing the beat overseers and look over the roads so

as to have some idea as to what section overseer would make a good beat overseer and in appointing the beat overseers, give preference to those who have their respective sections in the best condition.

Sec. 17. Be it further enacted, That when individuals will contribute money or labor for the upkeep of the public roads in the county, the commissioners in whose district such help is offered shall meet the proposition with an equal amount of money or work, all offers of help to be numbered and met by the county according to their number. Provided as much of the road funds of the county as necessary may be used in building or repairing roads for which State aid is had as now provided by law.

Sec. 18. Be it further enacted, That all money spent in the county for building new roads or grading old roads be spent under contract not to be let until the same has been advertised in the newspapers of the county for at least thirty days. Contractors to give bond and security for the faithful carrying out of their contracts.

Sec. 19. Be it further enacted, That when overseers need to widen the roads that they are hereby empowered to cut any place not to exceed ten feet, and the party owning the land may collect pay for the land as now provided for in the laying out of new roads.

Approved September 22, 1915.

No. 631.)

(S. 886—Bulger.

### AN ACT

To regulate the registration of conditional sales in Tallapoosa County.

*Be it enacted by the Legislature of Alabama:*

That all contracts made in Tallapoosa county where the amount involved does not exceed fifty dollars for the conditional sale of personal property, by the terms of which the vendor retains the title until the payment of the purchase money, is paid and the purchaser obtains possession of the property, is not required to be recorded as provided in section 3394 of the Code of 1907, and that said section 3394 so far as it relates to Tallapoosa county is repealed.

Approved September 22, 1915.

No. 685.)

(H. 1634—Rogers of Sumter.

## AN ACT

To repeal section 13 of an act entitled an act to provide for the better working and maintaining of the public roads in Sumter county, approved February 26th, 1907.

*Be it enacted by the Legislature of Alabama:*

Section 1. That section 13 of an act entitled an act to provide for the better working and maintaining of the public roads in Sumter county, approved February 26th, 1907, be and the same hereby is repealed.

Approved September 23, 1915.

No. 701.)

(H. 1128—Griffin.

## AN ACT

To authorize the court of county commissioners of Marengo county, to pay for advertising the notice and substance of local bills introduced in the Legislature for said county, out of any money in the treasury, not otherwise appropriated, when the bill applies to the entire county, or any political subdivision of the said county, and when said bill has been ordered published by the Senator or any Representative of the county of Marengo, and this act shall be held to apply only to and include notices and substance of bills advertised for the July session of the Alabama Legislature, in year, 1915.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the court of county commissioners in and for Marengo county, Alabama, be and are hereby authorized to pay for the advertising of notice and substance of bills, introduced in the Legislature for said county of Marengo, when the said bills apply to the entire county, or any political subdivision of said county of Marengo, provided further that said bills so advertised, or the notice and substance thereof, may be paid out of the county treasury of Marengo county, Alabama, out of any money, not otherwise appropriated, and provided further that no such bills, or notices or substance thereof, shall be paid out of the treasury of Marengo county, Ala., by the said court of county commissioners, unless the said notice or substance thereof, so advertised, shall have been ordered by the State Senator or Representatives from the said county in the Legislature of Alabama.

Sec. 2. That this act shall be held to apply only to such notices or substance thereof of any bill to be introduced at the July session of the Alabama Legislature, in the year, 1915.

Sec. 3. That this act shall take effect immediately after its passage and approval by the Governor.

Approved September 25, 1915.

No. 710.)

(S. 819—Wallace.

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AN ACT

To require the members of the board of revenue, or county commissioners, of Autauga county to give a bond for the faithful performance of their duties before entering upon the discharge of the same.

*Be it enacted by the Legislature of Alabama:*

Section 1. Before entering upon the duties of their office, each member of the board of revenue, or county commissioners of Autauga county, shall give bond, with at least two good and sufficient sureties, in the sum of \$2,000.00, payable to the county, and conditioned as prescribed by law for the faithful performance of their duties, which bond is to be approved by the judge of probate and filed and recorded in his office.

Sec. 2. That this act shall go into effect at the expiration of the term of office of the present board of revenue of said county.

Approved Sept. 25, 1915.

No. 714.)

(S. 648—Lusk.

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AN ACT

To reduce the salary of the mayor of Bridgeport, Alabama, to one hundred dollars.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the salary of the mayor of Bridgeport, Alabama, is hereby reduced and fixed at one hundred dollars per annum, payable semi-annually, and he shall receive no other compensation.

Sec. 2. Be it further enacted, That all laws or parts of laws in conflict herewith are hereby repealed, and that this act shall go into effect immediately upon its passage.

Approved Sept. 25, 1915.

No. 729.)

(H. 1683—Fite of Tuscaloosa.

## AN ACT

To establish a board of revenue for Tuscaloosa county, Alabama, to prescribe its powers and duties, to fix the compensation of its members, to provide for the election of its members, and fix their terms of office, to provide for a clerk and engineer, and to abolish the court of county commissioners, the board of public works and the jury commission of said county,

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby established a board consisting of three persons and the president, to be called the board of revenue of Tuscaloosa county, Alabama.

Sec. 2. The members of said board shall be elected as hereinafter provided, and shall hold their office until their successors are duly elected and have qualified, and in case of a vacancy the same shall be filled by the Governor.

Sec. 3. Said board of revenue shall have the power and authority to direct and control the property of said county as it may deem expedient according to law, to levy a general tax for general and a special tax for particular county purposes, according to the provisions of the Code of Alabama and of special acts heretofore conferring power upon the court of county commissioners of said county; to examine, settle and allow accounts and claims chargeable against the county; to examine and audit the accounts of all officers having the care, management, collecting or disbursement of moneys belonging to the county or appropriated for its use and benefit; to have exclusive control of the convict labor of the county and the disbursement of the proceeds of the same; and the sole right and authority to bind the county in any contract for the payment of money; to place the name of every person in the county possessing the qualifications prescribed by law to serve as jurors on the jury roll in the jury box, according to the provisions of any special or general act conferring power upon the jury commission.

Sec. 4. The said board of revenue shall have charge of all roads and highways except the streets of incorporated cities and towns, and of all bridges in said county and shall be charged with the duty of improving and repairing said public roads and bridges and of opening any new public roads which may be established by law, and the building of new bridges. It may let out all or any portions of the public roads to be graded, worked, improved or opened, and all bridges to be built or re-

paired by contract to the lowest responsible bidder therefor, but in all such cases it shall require of the contractor a bond payable to the county with good and sufficient sureties, and in amount not less than the contract price, conditioned to faithfully perform and carry out the contract. Such contracts shall contain specifications stating the grade to be made, the method of graveling, cherting or macadamizing and specifications for building and repairing bridges, the time within which the work is to be completed, and such other stipulations as the board may see fit to insert. They shall also stipulate for the retention of at least 20 per centum of the contract price until the work is completed and accepted by the board. If the board refuse to accept the work for the reason that it is not done according to the contract, and the contractor shall fail to complete and perfect the work in accordance with the contract within a time to be prescribed by the board, such retained percentage shall be forfeited and shall not be paid to the contractor.

Sec. 5. The said board of revenue shall divide the public roads of the county into precincts and annually apportion all the inhabitants of said county subject by law to work on the roads to the several precincts, and shall on such portions of said roads as said board may deem it necessary appoint overseers. On such portions of the road as are worked by contract the board shall designate what hands apportioned to the precincts in which such contracted portion he shall work under each contractor and shall make contracts with the contractors for the amounts to be allowed the county for the labor of such hands, and all so designated to work under such contractors who shall not have paid their road tax shall report to the contractor for work when ordered by the board and work the number of days, not exceeding the number required by law, fixed by the board during each year. The board may employ, if necessary, persons in the several precincts to aid it in ascertaining the names of all persons subject to road duty and may pay out of the road and bridge fund each person so employed not to exceed one dollar and a half for each day he is actually employed.

Sec. 6. Said board of revenue shall make all contracts for said county for the construction, improvement and repair of public buildings. Said board shall superintend such works of construction, repairing and improvement and require the same to be done strictly in accordance with the contracts and may employ competent architects and engineers to assist in such superintendence.

Sec. 7. The members of the board shall before entering upon the duties of office, take an oath to be administered by the probate judge to faithfully perform the duties of their office.

Sec. 8. Said board may change or alter any portion of the roads when in the opinion of the board it is best for the public interest, and in like circumstances establish new roads. For this purpose it shall have power to contract with the owners of the lands which must be acquired for the purpose of such change on new roads, and in case it cannot agree with any of said owners it shall apply to the judge of the circuit court of said county who shall appoint a jury of viewers to access the damages to the property owners whose lands are taken and who have not agreed with the board of revenue on the compensation to be paid them, and such jury shall report its assessment to the board of revenue, and such proceedings shall be had upon such report as now prescribed by law to be had upon such reports upon the establishment of public roads.

Sec. 9. Said board of revenue shall have all the jurisdiction and all the powers which are now or may hereafter be by law vested in the courts of county commissioners in this State, and in the jury commissions of the various counties in this State, and which have heretofore vested in the board of public works of said county, and the several members of the board of revenue of Tuscaloosa county shall respectfully perform all the duties and services, and exercise all the powers which are or may be required by law, of the several members of courts of county commissioners and jury commissions and of the board of public works, except those inconsistent with this act.

Sec. 10. That all general laws hereafter enacted by the Legislature of Alabama in relation to the jurisdiction, powers, authority or duties of county commissioners and jury commissions in this State shall apply to said board of revenue of Tuscaloosa county.

Sec. 11. That the probate judge of Tuscaloosa county shall be the president and an ex-officio member of said board of revenue and shall have the same power and authority as other members in passing upon all questions and shall keep and sign the minutes of the proceedings of the board, and shall sign all warrants drawn on the county treasury, and all orders for the payment or disbursement of money or funds of said county, and it shall be his duty to receive and prepare business and obtain information for the sessions of said board, and to see to the execution of all orders thereof, and to report to the board all



infractions of the revenue law in said county of which he can obtain authentic information.

Sec. 12. The said board may elect a clerk and fix his compensation, if in their discretion a clerk for said board is deemed necessary, who shall not be paid more than nine hundred (\$900.00) dollars per annum. The clerk shall give bond conditioned and in such sum as may be required by the board. And the duties of the clerk may be prescribed by said board. In addition to such other duties as may be prescribed by the board, the clerk shall collect all road taxes and properly account for same—and he shall receive no extra compensation for this service.

Sec. 13. The said board may, whenever necessary, employ an engineer or engineers to establish grades or locate roads, or to draw specifications and prepare contracts for the building or repair of bridges.

Sec. 14. Said board shall hold four sessions annually viz.: First Monday in January, April, July and October of each calendar year, and may hold special sessions at any time upon the call of the president, or any two members.

Sec. 15. A majority of said board shall constitute a quorum for the transaction of business, and no funds belonging to the county shall be drawn or paid out except as authorized by said board, and a proper list and registry of all sums drawn or paid out of the nature of the claim and of the person in whose favor drawn or paid out shall be kept by either the president or clerk of said board.

Sec. 16. Be it further enacted, That it shall be the duty of the clerk of each court in said county and of the register in chancery to render said board within ten days after the adjournment of any term of any court in said county, a list under oath of all fines and forfeitures taken and judgments rendered during said terms for the use of said county.

Sec. 17. Be it further enacted, That the members of said board shall be entitled to not exceeding four (\$4.00) dollars per day for each day of actual service rendered, five cents per mile for traveling to and from the sittings of said board to be paid out of the county treasury on the certificate or warrants signed by the president of said board: provided, that no member of said board shall during any year receive more than six hundred dollars from the county treasury for any and all services rendered by him either as a member of the board or for any work or labor done for or service rendered to the county.

Sec. 18. No member of said board shall be directly or indirectly interested in any contract for the repair or improvement

of roads or the building or repair of bridges. And any member of said board violating the provisions of this section shall be subject to impeachment, and may also, upon conviction be assessed a fine not exceeding one thousand dollars.

Sec. 19. That the court of county commissioners of Tuscaloosa county be and the same is hereby abolished, and that the probate judge of Tuscaloosa county is hereby relieved of his duties to the court of county commissioners of said county, which duties shall hereafter be performed by the president of the board of revenue. The jury commission of said county is hereby abolished, and the board of public works of said county is hereby abolished.

Sec. 20. There shall be elected at the next general election in the county of Tuscaloosa, and every four years thereafter, three members of the board of revenue, who shall qualify within thirty days after the returns shall have been canvassed and shall enter upon the discharge of their duties on the first Monday after the second Tuesday in January next succeeding their election, and shall hold office for a term of four years, and until their successors are elected and qualified.

Sec. 21. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 22. This act shall take effect immediately in so far as may be necessary for the purpose of electing at the next general election the members of said board of revenue; but the court of county commissioners, board of public works and jury commission shall not be abolished under the provisions of this act until the first Monday after the second Tuesday in January, 1917. And this act shall take effect on the first Monday after the second Tuesday in January, 1917.

Sec. 23. If any section or provision of this act, be void or unconstitutional, it shall not affect or destroy any other section or provision not in and of itself void or unconstitutional.

Approved Sept. 25, 1915.

No. 743.)

(H. 1642—Tarrant.

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AN ACT

For the relief of L. F. Jackson.

Section 1. That there be and is hereby appropriated out of the fine and forfeiture fund of Jefferson county the sum of one hundred dollars for the use and benefit of L. F. Jackson.

Sec. 2. That the treasurer of Jefferson county be and is hereby directed to pay L. F. Jackson the sum of one hundred dollars out of any money on hand belonging to such fund.

Approved September 25, 1915.

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No. 744.)

(H. 1653—Scott.

AN ACT

To authorize and require the treasurer of Jefferson county to pay John G. Bradley the sum of eighty-seven, and 32/100s (\$87.32) dollars to reimburse him for expenses paid by him for the publication of notice of an intention to apply to the Legislature for the passage of an act to provide for and regulate the drawing, summoning and empanelling of juries in capital cases in Jefferson county.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the treasurer of Jefferson county be and is hereby authorised and required to pay to John G. Bradley the sum of eighty-seven and 32/100s dollars, which amount was heretofore paid by the said John G. Bradley to the Birmingham Ledger Publishing Co. for the publication of a notice of an intention to apply to the Legislature of Alabama for the passage of an act to provide for and regulate the drawing, summoning and empanelling of juries in capital cases in Jefferson county, which act was thereafter passed and approved, and published in the 1907 Local Acts of Alabama at pages 238 to 242, both inclusive.

Approved September 25, 1915.

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No. 748.)

(S. 769—Hall.

AN ACT

To close and abolish Powell street, in the city of Dothan, Houston county, Alabama, from Cherry street to Range street, in said city.

*Be it enacted by the Legislature of Alabama:*

Section 1. That Powell street in Dothan, Houston county, Alabama from Cherry Street to Range street in said city, be and the same is hereby closed and abolished.

Sec. 2. That this act shall take effect and become operative immediately upon its passage by the Legislature of Alabama.

Approved September 25, 1915.

No. 756.)

(S. 866—Wallace.

## AN ACT

To ratify and confirm the collection by J. J. Burks during the years 1911 and 1912 from the funds of said county the sum of \$96.90 for service rendered in his district, the said J. J. Burks being a duly qualified member of the board of revenue of Shelby county for said term.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the collection of certain county warrants amounting in the aggregate to \$96.90 by J. J. Burks, a duly qualified member of the board of revenue of Shelby county, be and the same is hereby ratified and confirmed.

Sec. 2. *Be it further enacted by the Legislature of Alabama,* That the said J. J. Burks be and he is hereby discharged from all liability whatsoever on account of the collection of said warrants and from all interest upon said warrants as charged against the said J. J. Burks by the State examiner of public accounts of Alabama, for which suit is now pending against the said J. J. Burks in the circuit court of Shelby county.

Approved September 28, 1915.

No. 760.)

(S. 611—Hollis.

## AN ACT

To abolish the town of Butler and to dissolve the incorporation thereof.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the town of Butler in Choctaw county, be abolished and the incorporation thereof be dissolved.

Sec. 2. That nothing contained in this act shall operate to impair the obligation of existing contracts of said town, or deprive any creditor of any remedy for the enforcement of any contract which existed when such contract was made.

Approved September 25, 1915.

No. 761.)

(S. 895—Holmes.

## AN ACT

To provide for the better construction, repairing, working and maintaining of public roads and bridges in Baldwin county, Alabama.

*Be it enacted by the Legislature of Alabama:*

Section 1. That on and after the passage of this act the court of county commissioners of Baldwin county, Alabama, are hereby authorized and empowered to employ a practical road builder, preferably an expert engineer, who shall hold office at the pleasure of said court of county commissioners.

Sec. 2. *Be it further enacted*, That said court of county commissioners are authorized to pay said road builder a salary not to exceed one hundred dollars (\$100.00) per month, such salary to be paid quarterly by a warrant drawn by the probate judge on the road fund in the county treasury.

Sec. 3. *Be it further enacted*, That said road builder shall have complete charge of all road construction upon which there is spent any of funds of the general road and bridge fund.

Sec. 4. *Be it further enacted*, That all the funds accruing to the county road and bridge funds from the special county taxes for roads and bridges shall be expended solely on a trunk highway running from Little River post office in the north end of said county southward through Blackshear, Tensaw, Latham, Stockton, Bay Minette, Stapleton, Loxley, Robertsedale, Summerdale, Foley, Oak and on to Gasque post office on the Gulf of Mexico said funds to be divided equally between the four commissioners districts, and said construction to begin at the lines separating the first and second and the third and fourth districts respectively; the work of the first and third districts to proceed northward along said trunk line and in the second and fourth districts to proceed southward along said trunk line, providing that said road shall have a right of way of fifty feet, that all road beds shall be built of clay and gravel or sand providing further that the court of county commissioners are also empowered to construct such other roads in said county as the finance will permit, same to be constructed as herein provided, with concrete culverts, and with a maximum grade of seven per centum, providing further that this act will not prevent said court of county commissioners from engaging with State aid in the construction of the State road extending from Lottie to Daphne and Fairhope.

Sec. 5. *Be it further enacted*, That said court of county commissioners shall appoint one overseer in each election precinct in said county whose duties it shall be to look after the repair and construction of all public roads in their respective precincts, that within thirty days after the appointment of said overseers they shall report to said court of county commissioners a complete enumeration of all persons subject to road duty in their respective precincts.

Sec. 6. *Be it further enacted*, That all moneys accruing from the fees paid in lieu of labor on said roads shall be divided equally among the four commisisoners districts, and shall be used in the repair and upkeep of roads and bridges in the respective precincts; provided further that the overseers shall be paid one dollar and fifty cents per day for each day of actual overseeing, provided that they must work each day not less than ten road hands.

Sec. 7. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 8. The provisions of this act shall become effective upon a petition of 50 per cent of the votes cast in the general election of 1914 to the county commissioners of Baldwin county, after which they shall declare it to be the law.

Approved September 25, 1915.

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No. 771.)

(H. 602—Shapiro.)

AN ACT

To fix the term for the holding of the criminal court of Jefferson county, Ala.

*Be it enacted by the Legislature of Alabama:*

Section 1. The criminal court of Jefferson county, Alabama, shall hold one regular term in each year commencing on the first Monday in September and ending on the last day of the succeeding August, unless said last day be Sunday, and then on the next day preceding. Provided that nothing in this act contained, shall prevent the judge or judges of said court from taking a recess or recesses whenever said judge or judges may deem it expedient.

Sec. 2. All laws and parts of laws local, general or special are hereby repealed.

Sec. 3. This act shall take effect immediately upon its passage and approval.

Approved September 25, 1915.

No. 773.)

(H. 1178—Ryan.

## AN ACT

To provide for the more efficient working of the public roads and construction and repair of bridges in Cullman county; to create a road commission in said county and define its powers and duties; to provide for a road supervisor, fix his compensation and define his duties and to authorize the employment of a highway engineer; to provide for the appointment of road foremen in the several precincts in the county; fix their compensation and define their duties and powers; to authorize the purchase of necessary tools, teams, road machines and other implements; to provide for a commutation fee in lieu of working the roads; to prevent the obstruction and damage to the public roads and bridges and to prescribe rules, regulations and penalties in order to carry into effect the purposes of this act.

*Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby created a road commission for Cullman county, Alabama, which shall be composed of a road supervisor to be appointed by the probate judge, clerk of the circuit court, and sheriff of said county, within six months after the approval of this act, who shall be chairman of said commission; the judge of probate for said county, who shall be the clerk of said commission, and one member of the court of county commissioners to be designated by the circuit court clerk, the sheriff and probate judge of said county, within six months after the approval of this act who shall hold such position during his term of office, and when a vacancy occurs by reason of death, resignation or removal, the probate judge, clerk of the circuit court, and sheriff of said county, shall designate his successor. He shall receive the same pay while actually engaged for the commission as is allowed him as county commissioner. Vacancies in said commission shall be filled as the original members are selected. Said road commission shall have general control and supervision of the working of the public roads and building of the bridges of said county and the disbursement of the road fund as herein provided for. They shall, if they deem it necessary, have the roads of said county surveyed, measured, or relocated and, under the provision of this act and the authority vested in them as such road commission, expend the funds herein provided for and provide for the improvement and maintenance of the roads and bridges in said county so as to secure as early as practicable a system of improved roads therein. They shall hold at least four regular meetings at the court house each year, and at other times and places as may be necessary.

Sec. 2. That the said supervisor shall, before entering upon the duties of said office, qualify by filing the statutory oath of office and giving and making bond in some surety company doing business in the State of Alabama, for the faithful performance of the duties of said office, payable to Cullman county, Alabama, in the sum of two thousand dollars, to be approved by the probate judge, which oath and bond shall be recorded as other official bonds are recorded in the office of the judge of probate for said county.

Sec. 3. That the said supervisor shall receive a salary of \$100.00 per month, beginning January 1st, 1916, payable monthly by warrant drawn by the probate judge upon the road and bridge fund of said county. He shall hold office for two years or until his successor is appointed and qualified; and at any time that the two members of said appointive board shall deem it necessary, they may remove said supervisor from office, and appoint his successor, and the supervisor so removed shall be paid at the rate of \$100.00 per month for any amount due the said supervisor, at the time of his removal from office.

Sec. 4. That the supervisor shall have active control and management of the public roads and bridges of said county; the manner of working, repairing, maintaining, changing and locating the same, except that in the location and construction of bridges costing \$300.00 or more or letting out by contract any work of road improvement costing \$300.00 or more or the establishment of new roads, or the relocation of roads already existing as to place them on a permanent location, he shall do so with the consent and advice of the road commission.

Sec. 5. That the supervisor shall as early as practicable after his appointment and qualification select one suitable and capable person for road foreman for each precinct in said county, who must be between the age of twenty-one and sixty years; fix the time he shall devote to the public roads and bridges in such precinct, the amount of his salary or per diem which shall not exceed \$100.00 per annum, provided he shall not receive more than \$2.00 a day for each day of eight hours work, but this amount shall not be included in any contract or special or extraordinary work he may perform under the written authority of the supervisor; direct the manner, time and method he shall work the roads in his precinct, subject to any rules or regulations prescribed by the road commission, and he may remove any foreman who shall fail or refuse to perform his duties or comply with any reasonable order or direction of the



supervisor and appoint another in his place. Said foreman shall be employed for a period of two years from the date of his appointment. Each precinct foreman shall execute bond with sufficient surety in the sum of not less than \$500.00 payable to Cullman county, Alabama, for the faithful discharge of their duties and to account for all money coming into their hands belonging to the road fund and for tools or other property coming into their possession belonging to the county. It shall be their duty during the month of January in each year to canvass their precincts and make a list of those persons subject to road duty, giving the name of the road nearest to which they reside, they shall keep an accurate statement of the names of all persons who pay a commutation fee in lieu of working the road and report the same to the probate judge; they shall report to the probate judge, at such time as required, all commutation fees collected and shall account for all unused or mutilated receipts and the stubs for receipts issued; they shall report to the road commission by itemized account and correct dates all money expended and for what purpose and the name, date and the number of hours worked per day of all road hands on the public roads; they shall report to the road commission at such times as they may be directed the condition of the roads in their precincts and the names of all defaulters. They shall apportion those hands who have not paid a commutation fee within thirty days after the same is delinquent, but no hand shall be required to work longer than eight days and not further than six miles from his home except in opening new roads. In case of sickness they may excuse defaulters when warned to work the roads and may require the full eight days at some subsequent date or commute the days not worked out at the rate of seventy-five cents per day for any hand who was delinquent in paying the commutation fee. The foreman of each precinct shall call out road hands subject to road duty in their precinct to construct bridges, causeways or culverts, unless the cost or labor involved is such that the supervisor shall let the same out by contract or direct its being done otherwise; they shall keep in repair all bridge approaches and abutments and shall erect and maintain railings or banisters on all bridges more than sixteen feet in length and perform such other duties as they may be directed by the supervisor or prescribed by the road commission or by law. With the consent of the supervisor, they may let contracts for the building or repairing of bridges and the working and maintaining a road or any por-

tion thereof not to exceed \$25.00, when the same cannot conveniently be done by the road hands in the usual manner of working roads.

Sec. 6. That in event any road hand shall remove to another precinct, he shall be excused from working the roads in the precinct to which he has removed upon presenting a written certificate from the foreman that he has worked the required number of days in his former precinct, or has paid his commutation fee, or if he has not worked his full eight days, in like manner, he may be credited for days already worked.

Sec. 7. That the supervisor may, when in his judgment necessary, appoint more than one foreman for such time and for such purpose as he may deem necessary for any precinct whose duty shall be the same as the regular foreman, subject to the same rules and regulations herein provided, but who shall act under the direction of the regular foreman, provided the salary or per diem for both shall not exceed \$100.00 per annum. With the consent and advice of the road commission, such supervisor may employ a highway engineer, or some person skilled in the methods of road construction and maintenance, for such time and purpose as may be necessary; provide and pay for the necessary tools, teams, plows, road machines, or other implements and material as may be necessary for the purpose of this act and employ persons to operate the same and keep them in repair; secure or accept by donation or lease or purchase or may proceed by condemnation in the name of Cullman county, Alabama, under the laws of condemnation proceedings in the State, all necessary gravel beds, sand or chert for road purposes, and in like manner all necessary rights of way for roads and bridges. He may let out by contract the construction or maintenance of the public roads or bridges in said county or in any locality or any portion of the same, and may, with the consent and advice of the road commission, expend funds herein provided for upon the main traveled roads in said county, having regard for the condition of the same, the amount of travel along said roads, and the work necessary to keep them in repair. He shall keep an accurate itemized account of all money expended, and the date and for what purpose expended and shall submit in his reports to the road commission receipts or vouchers therefor properly signed by the persons to whom paid. He shall visit each precinct and inspect the roads and bridges therein at least four times each year and oftener, if necessary; confer with and advise the foreman and for any

urgent reason may employ extra help or spend additional sums in said precinct for road and bridge purposes or concentrate the work of road machinery at any particular locality or road.

Sec. 8. That all contractors must execute bonds payable to Cullman county, Alabama, in double the amount of the contract price conditioned upon the faithful discharge of the contract and no contractor shall be paid more than 75% of the contract price before the completion of the work and shall not be paid in full until it has been approved and accepted by the road commission.

Sec. 9. That each male person who is over the age of eighteen and under the age of forty-five years not exempt by law, shall be subject to road duty in said county, and shall be compelled to work on the public roads for eight days in each year and eight hours actual work each day, provided any persons subject to road duty may be relieved from working on the roads by paying a fee of \$5.00 on or before March 1st of each year, which shall constitute a part of the road fund for said county, and failing so to do, he shall be compelled to work on the public roads as herein provided, and provided further, that all persons subject to road duty moving into said county after March first in any year shall be liable to road duty for the remainder of the year at the rate of eight days for twelve months and shall have the option of commuting said work by paying to the road foreman for his district, in discharge of such liability at the rate of five dollars for eight days' work. The road year shall be the same as the calendar year. Road foremen liable to road duty shall not be exempt from road duty, except by payment of the commutation fee.

Sec. 10. That the probate judge shall keep a record of the proceedings of the road commission, an accurate account of all money collected and expended by the road commission in the various precincts in said county for general road purposes, and a list by precincts of those subject to road duty as reported by the foreman, the names, amount and date of those who have paid a commutation fee and of fines, licenses or other fees, as reported to him by foreman or road supervisor. He shall have authority to collect and receipt for commutation fees from the road supervisor and road foreman and his books shall, during office hours, be subject to public inspection and shall be examined and audited by each grand jury of said county. He shall deliver to the county treasurer of said county all funds accruing from commutation fees, fines, licenses, or otherwise

provided in this act. He shall receive for his services \$500.00 per annum payable out of the road fund in said county upon the order of the road commission. He shall receive for his services the sum of \$500.00 per annum payable out of the road fund in said county upon the order of the road commission, which sum shall be paid in full for such services, and in lieu of the provision for such compensation as fixed by an act to amend section 3720 of the Code of Alabama of 1907, approved April 1, 1911.

Sec. 11. That the court of county commissioners are authorized and directed to levy a special tax not to exceed one-fourth of one per centum on the taxable property of said county to be assessed and collected as other taxes, and when paid into the treasury of said county, shall be kept separate and apart from other funds and used only for the maintenance or building of the public roads or bridges therein under the direction and control of the road commission.

Sec. 12. That the court of county commissioners shall provide out of the general fund, all necessary books, blanks, stationery, etc., for the purpose of this act and are authorized to appropriate from such funds other amounts as may be spared for the purposes of this act.

Sec. 13. That each precinct foreman shall report the condition of the roads and bridges in their precinct to each grand jury of said county, and submit their books and accounts for inspection.

Sec. 14. That whenever it can be done it shall be the duty of the supervisor to have the roads worked by the foreman at such time as that the implements and road machinery may be used first by one foreman and then another so that they may be used by all foremen as much as possible.

Sec. 15. That the general laws of Alabama with reference to the mode of warning hands to work on the roads, the notice to be given the kind of tools or implements to be brought by the hands and also the general law as to road defaulters and a punishment and prosecution of the same shall not be construed to be repealed by this act.

Sec. 16. That any foreman who fails to perform his duty as such under the provision of this act shall be guilty of a misdemeanor and upon conviction fined not less than \$5.00 nor more than \$100.00 for each offense.

Sec. 17. That it shall be unlawful for any person not authorized to engage in road work to plow or dig in or across any

public road, or road ditches or by placing therein stones, brush, logs or other obstruction of any kind whatever. Any person who shall violate this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 nor more than \$100.00

Sec. 18. The road commission shall have power to prescribe the maximum draft that may be hauled over the roads or any specified portion thereof at any one time, to prohibit or regulate and license the use of heavy road engines or traction engines or other heavy machinery on the roads of said county, or any portion thereof.

Sec. 19. That the court of county commissioners of Cullman county may, in its discretion, employ the convicts of said county in working and maintaining the public roads and bridges thereof under such rules and regulations as they may adopt.

Sec. 20. That all persons shall receipt the supervisor for all tools, implements, road machinery or other property belonging to the county that may come into their possession for use on the roads or bridges therein and surrender the same in good condition, wear and tear excepted, and it is hereby made unlawful for such persons to permit any one to use, or himself use such tools, implements, or road machinery for any purpose than the working and repairing of the public roads and bridges in said county, and such persons who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 nor more than \$100.

Sec. 21. That it shall be the duty of all persons and of the manager or foreman of all firms or corporations having three men or more working under them subject to road duty to furnish a list of the same, and the residence of each to the foreman in their precinct, and failing or refusing so to do within ten days after notice in writing shall be guilty of a misdemeanor and on conviction fined not less than \$5.00 nor more than \$100.00

Sec. 22. That the county treasurer shall pay all warrants by order of the road commission drawn by the probate judge for road purposes out of the special road fund.

Sec. 23. That the county commissioners shall appropriate from the general fund in said county such sums as may be spared to the special road fund for use as herein provided and may borrow money for such purpose not to exceed eight per centum per annum.

Sec. 24. That when the citizens of any community shall raise, by donation or otherwise, money or labor to be expended for constructing or improving any particular road or roads, it shall be the duty of the road commission to render such assistance, as they may be able, either in money or with the county machinery, as they may deem best, having regard for the importance of the work and the funds in hand for that purpose.

Sec. 25. That the supervisor shall submit to the grand jury at each term for inspection all his books, accounts and vouchers, together with a general report of the conditions of the roads in the county, the work he has performed and the funds expended and for what purposes.

Sec. 26. That any person desiring to claim an exemption from road duty must procure a certificate from the county health board or from two reputable practicing physicians of the county.

Sec. 27. That the funds annually expended under the provisions of this act in each precinct for road and bridge improvement shall be equal to the commutation fees in said precinct, and shall be in proportion as near as possible to the funds raised by taxes and commutation fees therein, for road purposes.

Sec. 28. That the road commission shall be authorized to make such rules and regulations as to road improvement, not inconsistent with this act, as may be necessary to comply with any law of the State extending State aid.

Sec. 29. That this act shall become effective on and after the first day of January, 1916.

Sec. 30. That all laws or parts of laws, general or special in conflict with the provisions of this act are hereby repealed.

Approved September 25, 1915.

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No. 776.)

(H. 1654—Grayson of Madison.

### AN ACT

To repeal an act entitled an act to regulate the taxing of dogs in Madison county, Alabama, and for the protection of sheep, cattle, horses, swine and other live stock in said county, and to provide penalties for its violation.

*Be it enacted by the Legislature of Alabama:*

1. That the act entitled an act to regulate the taxing of dogs in Madison county, Alabama, and for the protection of sheep, cattle, horses, swine and other live stock in said county and to provide penalties for its violation, which said act was approved August 9th, 1907, (Local Acts 1907, page 918) be and the same is hereby repealed.

Approved September 25, 1915.

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No. 782.)

(H. 1176—Ryan.

AN ACT

To regulate the fine and forfeiture fund of Cullman county, and provide for the registration and payment of claims against said fund.

*Be it enacted by the Legislature of Alabama:*

1. That it shall be the duty of the court of county commissioners of Cullman county, within ten days after the passage of this act, to give notice by advertisement in some newspaper published in the town of Cullman, and by posting notice at the court house door of said county for thirty days, notifying all persons holding claims, whether registered or unregistered, against the fine and forfeiture fund of said county, to register the same with the court of county commissioners on or before the first Monday in February, 1916, and if not so registered, said claims shall be forever barred.

2. All fines and forfeitures collected, the hire of county convicts, all moneys received from the State, or collected by the clerks of the circuit and county courts or other officer, on account of witness fees and solicitor's fees collected in all cases tried in the circuit court shall be paid into and constitute the fine and forfeiture fund of said county.

3. It shall be the duty of the court of county commissioners to record in a well bound book, all claims presented for registration, showing in each case the name of the owner of such claim, the date and amount of same. Such book shall be a public record and shall be preserved by the court of county commissioners of said county.

4. It shall be the duty of the court of county commissioners of said county on the first Monday in April, and the first Monday in October of each year to ascertain the total amount paid out of the general fund of said county after the passage

of this act, on account of witness fees, and officer's fees and order a warrant drawn on the fine and forfeiture fund for the amount so paid out, and the court shall place same to the credit of the general fund of said county. The surplus remaining in the fine and forfeiture fund shall be applied to the payment of registered claims against said fund.

5. That it shall be the duty of the court of county commissioners of said county on the first Monday in May and November of each year, if there are funds in said fine and forfeiture fund, to advertise for three weeks previously, at the court house of said county, notifying all persons holding registered claims against said fund that bids will be received until and on such Monday until 12 o'clock for the same, and shall state in said advertisement the amount of the fund on hand, as provided by section four of this act, and the amount of registered claims against the fund outstanding and unpaid. The money shall be awarded to the bidders who propose to accept payment in full of their claims against said fund at the highest rate of discount, and should there be two or more bidders at the same rate of discount, and the funds be insufficient to pay all of them, the money shall be awarded to such claims in the order of their registration, beginning with the oldest. When the biddings are closed, and the money awarded, the said court shall issue warrants upon said fund to the persons entitled thereto, upon receipt and surrender of their claims, or a proper voucher if the claim is not paid in full.

6. That after the passage of this act, all fines, forfeitures, hire of convict labor, or anything pertaining to said fine and forfeiture fund shall be paid only in lawful currency of the United States and in nothing else, and all moneys which accrue to said fund in said county, and which may be collected by any sheriff, clerk, judge of probate, justice of the peace, notary public, constable, coroner, or other officer, shall be paid to the county treasurer, and any officer who collects any such moneys and wilfully fails for more than thirty days to pay the same to the county treasurer, shall be guilty of a misdemeanor.

7. After all claims registered under the provisions of this act are paid in full, compromised or settled, the fine and forfeiture fund of said county shall be abolished and merged into the general fund.

8. That after the passage of this act, witnesses before the grand juries and State witnesses in all criminal cases, and fees



of the sheriff of the county of Cullman, the clerks of the circuit court and the county court in and for said county, in criminal cases where the State fails to convict, shall be paid out of the general fund of said county as hereinafter provided. Provided that the witness fees shall be seventy-five cents per day and two and one-half cents per mile under the provisions of this act.

9. That it shall be the duty of the clerk of the court of county commissioners of said county, on presentation of certificates issued, after the passage of this act, to witnesses before grand juries and State witnesses in all criminal cases, as required by law, to draw his warrant on the county treasurer for the amount of such certificates. And it shall be the duty of the treasurer to pay the same out of the general fund of said county.

10. After the adjournment of the county court and the circuit court of Cullman county, the sheriff and clerks of said courts shall file with the court of county commissioners of said county a statement of all cases finally disposed of, where the State failed to convict, showing the items of cost due them, the name of the defendants and the charge against them. Said statement shall be sworn to by the officer making same. If the court finds the account correct they shall order a warrant drawn on the county treasurer for the amount of such account. And it shall be the duty of the treasurer to pay the same out of the general fund of said county.

11. The court of county commissioners shall keep a separate warrant record book, in which shall be entered all warrants drawn on the county treasurer under the provisions of this act.

12. For the purpose of ascertaining the amount of witness fees of the sheriff and clerks, justly due by the county, the judge of the circuit court of Cullman county, and of the county court in and for said county shall have the power and authority upon motion made in term time, to retax the cost in all cases.

13. All amounts paid out by the county under the provisions of this act, shall be prior claims against the fine and forfeiture fund of said county.

14. All laws or parts of laws, general, special or local in conflict with the provisions of this act, be and the same are hereby repealed.

Approved September 25, 1915.

No. 800.)

(H. 1480—Hogan.

## AN ACT

To change and define the boundary line of St. Clair county, Alabama, between said county and the county of Jefferson.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the boundary line between St. Clair county, Alabama, and the county of Jefferson be and the same is hereby changed, defined, fixed and established as follows: Begin at the southwest corner of the southeast quarter of section 31, township 14 south of range 1 east, Huntsville Meridian, which point is common to the counties of Blount, St. Clair and Jefferson; thence east along the south boundary of said township 14 south to the northeast corner of the northwest quarter of section 4, township 15 south of range 1 east; thence south to the southwest corner of the southeast quarter of section 9 in said township and range; thence east to the northwest corner of section 15 in said township and range; thence south to the southwest corner of said section 15; thence east to the northeast corner of the northwest quarter of section 22 in said township and range; thence south through the center of sections 22, 27 and 34 in said township and range and through the center of sections 3 and 10, township 16 south of range 1 east to the southeast corner of the southwest quarter of said section 10; thence west to the northwest corner of section 15 in said township and range; thence south to the southwest corner of said section 15; thence west to the northwest corner of the northeast quarter of section 21, in said township and range; thence south to the southeast corner of the southwest quarter of said section 21; thence west to the northwest corner of section 28, in said township and range; thence south along the west boundaries of sections 28 and 33 in said township and range, and also along the west boundaries of sections 4 and 9, township 17 south of range 1 east, to the southwest corner of said section 9; thence east to the northwest corner of the northeast quarter of section 16 in said township and range; thence south to the center of said section 16; thence east to the northeast corner of the south east quarter of section 15 in said township and range; thence south to the southeast corner of said section 15, which last named point is common to counties of St. Clair, Shelby and Jefferson.

Sec. 2. That all teriritory and land east and north of said above described line, or on the opposite side thereof from the

county of Jefferson and within the boundaries of St. Clair county, be and are hereby made a part of the county of St. Clair.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 28, 1915.

No. 819.)

(H. 1479—Hogan.)

### AN ACT

To change and define the boundary line of Jefferson county, Alabama, between said county and the county of Tuscaloosa.

*Be it enacted by the Legislature of Alabama:*

Section 1. That the boundary line between Tuscaloosa county, Alabama, and the county of Jefferson be and the same is hereby changed, defined, fixed and established as follows: Begin at the point of intersection of the center line of the Warrior river with the north boundary of section 23, township 18 south of range 8 west; thence east to the north east corner of said section 23; thence south to the southeast corner of said section 23; thence east to the southeast corner of the S. W.  $\frac{1}{4}$  of section 19, township 18 south of range 7 west; thence south to the southwest corner of the S. E.  $\frac{1}{4}$  of S. W.  $\frac{1}{4}$  of section 30 in said township and range; thence east to the southeast corner of section 29 in said township and range; thence south to the southwest corner of section 33 in said township and range; thence east to the southeast corner of said section 33; thence south to the southeast corner of the N. W.  $\frac{1}{4}$  of section 3, township 19 south of range 7 west; thence east to the southeast corner of the S. W.  $\frac{1}{4}$  of N. E.  $\frac{1}{4}$  of said section 3; thence south to the southwest corner of the S. E.  $\frac{1}{4}$  of S. E.  $\frac{1}{4}$  of said section 3; thence east to the southeast corner of said section 3; thence south to the southwest corner of section 11, in said township and range; thence east to the southeast corner of said section 11; thence south to the southwest corner of section 24 in said township and range; thence east to the southeast corner of said section 24; thence south to the southwest corner of the N. W.  $\frac{1}{4}$  of section 30, township 19 south of range 6 west; thence east to the southeast corner of the N. E.  $\frac{1}{4}$  of said section 30; thence south to the southwest corner of the N. W.  $\frac{1}{4}$  of section 32 in said township and range; thence east to the southeast

corner of the N. E.  $\frac{1}{4}$  of said section 32; thence south to the southwest corner of section 4, township 20 south of range 6 west; thence east to the southeast corner of said section 4; thence south to the southwest corner of section 10 in said township and range; thence east to the southeast corner of section 11 in said township and range; thence south to the southwest corner of section 13 in said township and range; thence east to the southeast corner of the S. W.  $\frac{1}{4}$  of S. W.  $\frac{1}{4}$  of section 17, township 20 south of range 5 west; thence south to the southwest corner of the N. E.  $\frac{1}{4}$  of the S. W.  $\frac{1}{4}$  of section 20 in said township and range; thence east to the southeast corner of the N. E.  $\frac{1}{4}$  of S. E.  $\frac{1}{4}$  of said section 20; thence south to the southeast corner of said section 20; thence east to the southeast corner of the S. W.  $\frac{1}{4}$  of section 21 in said township and range; thence south to the southwest corner of the S. E.  $\frac{1}{4}$  of section 33 in said township and range, which last named point is common to counties of Bibb, Tuscaloosa and Jefferson.

Approved September 28, 1915.

# INDEX

## AUTAUGA COUNTY.

B. W. Gresham, relief of.....	363
Bonds required of county commissioners.....	469
Certain ex-county officials, relief of.....	368
George C. Spigener, relief of.....	366
George S. Livingston, relief of.....	364
Joe A. Chambliss, relief of.....	363
Thomas W. Smith, relief of.....	369

## BALDWIN COUNTY.

Act February 23, 1883, repealed—Sheriff's fees.....	167
Act February 26, 1881, repealed—Treasurer's fees.....	167
Acts August 9, 1907 and March 29, 1911, amended.....	411
Road Law.....	476

## BARBOUR COUNTY.

Clerk for Board of Revenue authorized.....	461
Road Law.....	385
Treasurer abolished.....	332

## BIBB COUNTY.

Boundaries of West Blocton re-arranged.....	195
Circuit Clerk made ex-officio clerk of County Court.....	375
Interest on borrowed money authorized.....	156
Interest on money borrowed authorized.....	182
Mayor of West Blocton given jurisdiction of misdemeanors.....	221
Publication of notice of local laws—payment authorized.....	191
Road Law.....	259
Treasurer abolished.....	81
V. B. Overton, relief of.....	77
W. T. Steele, relief of.....	303

## BLOUNT COUNTY.

Advertisement for bids for supplies required.....	205
Court of County Commissioners, bonds for.....	405
James R. Wooten, relief of.....	83
Stephen C. Allgood, relief of.....	83
Road Law.....	184
Treasurer abolished.....	402

## BULLOCK COUNTY.

First National Bank of Union Springs, relief of.....	204
Merchants & Farmers Bank of Union Springs, relief of.....	213

## BUTLER COUNTY.

Georgiana, corporate limits re-arranged.....	215
Receipts and expenditures to be published monthly.....	329

## CALHOUN COUNTY.

Appropriation for farm demonstration.....	378
City Court of Anniston, Reporter for.....	52
City Court of Anniston, time of holding.....	29

**CALHOUN COUNTY—Continued.**

Claims vs. Fine and Forfeiture Fund—time of payment fixed	32
Court of Common Pleas of Anniston established	93
Hard Labor Agent	48
Hard Labor Agent—appointment ratified	120
J. M. Burge—relief of	308

**CHAMBERS COUNTY.**

Commissioners' districts created	132
Road Law	162

**CHILTON COUNTY.**

Clanton—charter amended	325
John S. Catts—relief of	78
J. Wiley Littlejohn—relief of	78
Samuel W. Collins—relief of	78
William M. Adams—relief of	78, 399

**CHOCTAW COUNTY.**

Butler—corporation dissolved	476
------------------------------	-----

**CLARKE COUNTY.**

Act February 18, 1891 repealed—stock law	68
C. A. Coates—relief of	414
High School—regulation of Sage L. & L. Co. Fund	74
J. M. Agee, Treasurer—relief of	8
Witnesses—compensation of fixed	206

**CLAY COUNTY.**

S. Y. Lamberth—relief of	310
Treasurer abolished	219
Wm. J. Green—relief of	122

**CLEBURNE COUNTY.**

Old court house donated to Edwardsville	413
Road Law	141
Treasurer abolished	400

**COFFEE COUNTY.**

Circuit Court at Enterprise—time of holding	181
Circuit Court at Enterprise—jurisdiction defined	328
Act March 11, 1911 repealed—fine and forfeiture fund	337

**COLBERT COUNTY.**

Circuit Clerk made Clerk of County Court	466
County Court regulated	301
Solicitor's fees in County Court provided	301

**CONECUH COUNTY.**

Board of Revenue established	293
------------------------------	-----

**COOSA COUNTY.**

Goodwater Circuit Court abolished	168
Road Law	37
Treasurer abolished	206

**COVINGTON COUNTY.**

Andalusia City Court abolished.....	21
County convicts to work public roads.....	308
Court of County Commissioners established.....	98
Compensation of State witnesses fixed.....	69

**CRENSHAW COUNTY.**

Act March 4, 1903, amended—election of Solicitor.....	53
Assistant to Circuit Clerk provided.....	376
Fine and forfeiture fund regulated.....	370
Horace Hood—relief of.....	322
Luverne—charter amended.....	410
Payment for certain legal advertising authorized.....	70
Compensation of witnesses and officers where State fails to convict in criminal cases.....	361
Road Law.....	85
Road Law repealed and substitute.....	404
Treasurer abolished.....	255

**CULLMAN COUNTY.**

County convicts to work on public roads.....	400
Fine and forfeiture fund regulated.....	487
Grades and widths of roads established.....	408
Joppa—corporation dissolved.....	152
Road Law.....	479
Vinemont—charter repealed.....	195

**DALE COUNTY.**

Act April 18, 1911, repealed—High School.....	241
Daleville—corporate limits fixed.....	31
Treasurer abolished.....	55

**DALLAS COUNTY.**

Clerical assistant for Court of Revenues.....	183
Inferior Court established.....	436
Punishment fixed for violation of rules of Court of Revenues.....	192

**DeKALB COUNTY.**

Fort Payne—boundaries changed.....	174
Road Law.....	464

**ELMORE COUNTY.**

Act February 9, 1911, amended—Commissioners Court.....	310
Act February 9, 1911, amended—Board of Education.....	321
Commissioners' districts created.....	373
High School—appropriation for.....	304
Treasurer abolished.....	289
W. A. Adams—relief of.....	169

**ESCAMBIA COUNTY.**

Act February 1, 1895, amended—garnishments.....	401
Blood hounds—purchase of authorized.....	133
Fish protected.....	365
Road Law.....	245

**ETOWAH COUNTY.**

Court of County Commissioners changed.....	31
Highway Commission created.....	56

**FAYETTE COUNTY.**

Road Law.....	447
---------------	-----

**FRANKLIN COUNTY.**

Act July 31, 1907, repealed—roads.....	7
Certain warrants preferred claims.....	5
Fine and forfeiture fund regulated.....	326
T. H. Roberson—relief of.....	50
Warrant No. 2978—payment provided.....	79

**GENEVA COUNTY.**

Act February 27, 1903, repealed—Inferior Court.....	193
D. G. Roach, Tax Assessor—relief of.....	103
High Note—charter dissolved.....	410
R. J. Purvis—relief of.....	29
Treasurer abolished.....	306

**GREENE COUNTY.**

Fine and forfeiture fund transferred to general fund.....	176
-----------------------------------------------------------	-----

**HALE COUNTY.**

Fine and forfeiture fund—transfers from.....	366
----------------------------------------------	-----

**HENRY COUNTY.**

Act August 9, 1907, repealed—public roads.....	50
Fine and forfeiture fund regulated.....	367
Headland—bonds required of police of.....	457
Treasurer abolished.....	220

**HOUSTON COUNTY.**

Board of Revenue created.....	75
Dothan—Powell street closed.....	475
Fine and forfeiture fund regulated.....	383
Highway Commission abolished.....	325
Kincey—corporation of dissolved.....	244
Treasurer abolished.....	172

**JACKSON COUNTY.**

Bridgeport—boundaries changed.....	171
Bridgeport—salary of mayor reduced.....	469
Stevenson—Certain streets and alleys vacated.....	292

**JEFFERSON COUNTY.**

Regulation of costs in cases where convicts work on roads.....	3
Section 11 of Board of Revenue Act amended.....	17
Amendment of Act creating Criminal Court.....	23
Morris, Town of, abolished.....	76
Inferior Court precincts 2 and 33 established.....	134
John G. Bradley, relief of.....	182
Fine and forfeiture fund—retirement of claims.....	360
Clerk of Inferior Court of Ensley abolished.....	370
Birmingham Bar Association—appropriation for.....	372
Compensation county officers fixed.....	374
State witnesses—pay of.....	196
Adamsville—charter dissolved.....	198
Birmingham boundaries rearranged.....	222
Municipal Court of Birmingham established.....	231



**JEFFERSON COUNTY—Continued.**

Acts February 28, 1901, amended—City Court of Bessemer.....	241
L. F. Jackson, relief of.....	474
John G. Bradley, relief of.....	475
Criminal Court—time of holding fixed.....	478
Boundaries with St. Clair defined.....	322, 490
Boundaries with Tuscaloosa defined.....	491
Certain streets, avenues and alleys in Birmingham vacated.....	257
Juvenile Court.....	268
Auditor abolished.....	288
Recording Clerk Inferior Court of Ensley.....	291
Road Supervisor abolished.....	304
Trustee S. 16, T. 17 S., R. 5 W., provided.....	313
Inferior Court Precinct 29 established.....	316

**LAUDERDALE COUNTY.**

Act, December 14, 1869, repealed.....	21
Act. February 15, 1901, repealed—roads.....	60
Rogersville, corporate limits defined.....	203

**LAWRENCE COUNTY.**

Warrants, payment of certain, authorized.....	51
Jas. T. Masterson, ex-Sheriff, relief of.....	61
R. M. Byars, relief of.....	120
J. C. Cannon, relief of.....	120
Road Law.....	156
M. H. Craig, relief of.....	254

**LEE COUNTY.**

M. M. Dunn, Treasurer, relief of.....	30
Boundary lines with Tallapoosa changed.....	170
Stock Law Act, Beat 5, repealed.....	414
Road Law.....	417
W. O. Brownsfield, relief of.....	217

**LIMESTONE COUNTY.**

Dogs taxed.....	153
Road Law.....	349
W. H. McClellan, relief of.....	379

**LOWNDES COUNTY.**

George E. Gordon, reimbursed.....	22
-----------------------------------	----

**MADISON COUNTY.**

February term of Circuit Court fixed.....	19
Act December 14, 1898, repealed—court house fence.....	51
Costs, payment of when convicts work on roads.....	80
Notice of local laws—payment for authorized.....	140
Inferior Criminal Court established.....	381
Road Law amended.....	415
Dog tax repealed.....	486

**MARENGO COUNTY.**

Act August 26, 1909, amended.....	4
Detached from First Judicial Circuit.....	20
Fees of State witnesses.....	27
Act August 26, 1909, amended—Law and Equity Court.....	62
Act March 29, 1911, amended—Law and Equity Court.....	62

**MARENGO COUNTY—Continued.**

Act February 10, 1897, amended—Demopolis school district.....	71
C. B. Thomas, relief of.....	77
H. B. Pake, relief of.....	190
Revival of judgments by Law and Equity Court.....	214
John C. Dunn, relief of.....	251
Certain county officials, relief of.....	251
Fine and forfeiture fund regulated.....	287
Payment for publication notice and substance of local bills authorized.....	468

**MARION COUNTY.**

Act March 2, 1901, amended—State witnesses.....	124
Act March 2, 1901, repealed—State witnesses.....	129
Fees of witnesses in criminal cases fixed.....	130
Act March 24, 1915, repealed—State witnesses.....	133

**MOBILE COUNTY.**

Detention Home for Juvenile Delinquents.....	30
Juvenile Court established.....	115
Conveniences for courts provided.....	151
Two-wheel vehicle hauling forbidden.....	376
Guards provided for jail.....	377
Boundaries of city of Mobile rearranged.....	379
Act February 18, 1911, amended—County Solicitor.....	305
Justice Courts—practice in regulated.....	311
Game Law amended.....	323
Bonds for building rural schoolhouses.....	329
Certain lands—use of to city of Mobile.....	335

**MONROE COUNTY.**

Pay of State witnesses.....	47
Fine and forfeiture fund abolished.....	61
Highway Commission created.....	104
Pay for publication of notice and substance of local bills provided.....	119
W. E. Jones, relief of.....	130
J. E. Fore, relief of.....	130
C. J. Jackson, relief of.....	130
W. R. Blackwell, relief of.....	130
Wm. B. Green, relief of.....	130
M. Mc. Fountain, relief of.....	130
Fine and forfeiture fund abolished.....	183
Monroeville—certain bonds of validated.....	191
Board of Revenue established.....	394

**MONTGOMERY COUNTY.**

Court of Common Pleas established.....	9
Official Reporter City Court.....	24
Nancy C. Williams, relief of.....	68
Act March 31, 1911, repealed—attorney for Board of Revenue.....	70
Associate Judge of City Court abolished.....	98
Associate Judge of City Court abolished.....	170
Clerk of City Court—election of provided.....	171
Act April 22, 1911, amended—poll tax.....	394
Conveniences for county officers.....	193
Act February 21, 1907, amended—Assistant Solicitor.....	194
Treasurer, relief of—interest warrants.....	215

**MONTGOMERY COUNTY—Continued.**

Supt. of Education must hold first grade teacher's certificate.....	244
Treasurer abolished.....	252
F. E. Orum, relief of.....	307

**MORGAN COUNTY.**

Act February 21, 1893, repealed—Flint.....	7
County Courts—work on roads regulated.....	123
Dog tax law.....	131
Costs allowed when county convicts work out fines on public roads.....	198
Inferior Court of New Decatur established.....	222
Inferior Court of Decatur established.....	227
Fine and forfeiture fund regulated.....	299

**PERRY COUNTY.**

Uniontown road district created.....	176
Treasurer, office created.....	444
County Commissioners—further powers—roads.....	289

**PICKENS COUNTY.**

Act March 4th, 1907, repealed—roads.....	59
Commissioners' districts rearranged.....	153
Road Law.....	387

**PIKE COUNTY.**

County Commissioners—limit pay of.....	151
Road Law.....	208

**RANDOLPH COUNTY.**

John T. Kaylor, relief of.....	140
Wedowee—charter amended.....	181
H. R. Moore, relief of.....	181

**SHELBY COUNTY.**

Terms of Judge, Solicitor and Clerk County Court.....	19
Joe S. Bird, relief of—payments ratified.....	184
A. H. Merrill, relief of.....	381
President Board of Revenue elected.....	199
Members Board of Revenue elected.....	200
J. J. Burks, relief of.....	476
Road Law amended.....	285
Joe S. Bird, relief of—payments ratified.....	77
Revenue districts created.....	199
Frank Miller, relief of.....	326
J. R. Allan, relief of.....	327
A. P. Longshore, relief of.....	334
W. E. Harrison, relief of.....	338

**ST. CLAIR COUNTY.**

Sedden—charter repealed.....	216
Coal City—corporation abolished.....	216
One jury box provided.....	218
Boundaries with Jefferson defined.....	322, 490
Assistant for Circuit Clerk.....	259

**SUMTER COUNTY.**

P. B. Jarman, relief of.....	403
J. H. Pinson, relief of.....	403
J. M. Allison, relief of.....	403
W. E. McGowen, relief of.....	403
Publication of notice and substance of local bills—payment authorized .....	456
Act February 19, 1883, repealed—warrants.....	457
Authorizes issuance of duplicate warrants.....	458
Road Law.....	459
Act February 26, 1907—Sec. 13 repealed—roads.....	468

**TALLADEGA COUNTY.**

Boundaries of Mignon.....	302, 17
Boundaries of Sylacauga.....	18
Act March 15, 1911, amended—road law.....	253
Inferior Court of Sylacauga established.....	297
Inferior Court of Talladega established.....	357

**TALLAPOOSA COUNTY.**

Claims vs. fine and forfeiture fund ratified.....	152
Boundary line with Lee county changed.....	170
Dadeville—one-fourth of revenue to schools.....	173
Loans for certain roads authorized.....	377
Publication financial statement of Commissioners' Court.....	197
Registration of conditional sales regulated.....	467

**TUSCALOOSA COUNTY.**

Act March 2, 1901, repealed—compensation of officers.....	121
Act March 5, 1901, amended—Warrior agricultural district.....	309
Board of Revenue established.....	470
Boundaries with Jefferson defined.....	491
Judge of Probate made ex-officio custodian of funds.....	125
Northport—boundaries re-arranged.....	201
Official Court Reporter.....	34
Salary of Judge of County Court fixed.....	33
Solicitor's salary fixed.....	6
Solicitor's fees in County Court paid into county treasury.....	6
Treasurer abolished.....	22

**WALKER COUNTY.**

Certain warrants made legal.....	413
Full Time Health Officer provided.....	412
Highway Commission created.....	440
Vocational department for schools.....	406

**WASHINGTON COUNTY.**

Act February 3, 1899, amended—State witnesses.....	60
Act December 13, 1894 repealed.....	401
County Commissioners elected.....	401
Commissioners' districts provided for.....	401
County Solicitor—election of.....	114
W. H. Harris—relief of.....	211
R. E. Blunt—relief of.....	384

**WILCOX COUNTY.**

Acts of County Commissioners under Act of 1911 made legal.....	409
Road Law.....	425

## SPECIAL ACTS.

A. T. Goodwyn—relief of.....	73
E. C. Jackson—relief of.....	73
Elmore County High School, appropriation for.....	304
Stenographer for Second Judicial Circuit.....	411
University of Alabama entitled to rights and privileges of Carnegie foundation.....	349
V. B. Overton—relief of.....	77
W. A. Adams—relief of.....	169





15





